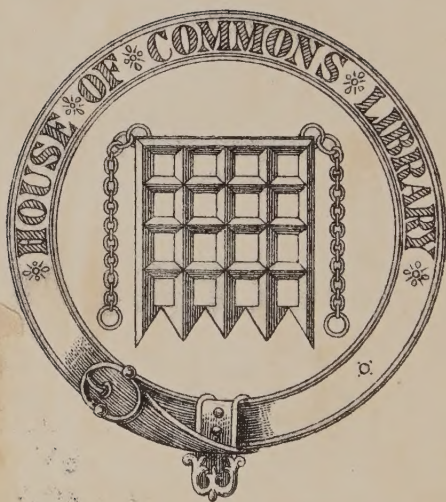


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JUSTICE AND THE CHILD

BY

DOUGLAS PEPLER

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TO
MY MOTHER

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JUSTICE AND THE CHILD

CHAPTER I

PREFACE AND PRINCIPLES

1. The Problem. 2. The Normal. 3. Cure or Prevention. 4. Punishment. 5. Recent Legislation.

1. The Problem.

MANY small beggars and young thieves come before the magistrate, many children whose parents have shown themselves incapable of care, young lads whose only fault is an excess of energy, a few girls who have been terribly led astray, and a number of the unduly venturesome of both sexes who have run away from their homes. Efforts are made in various centres to save the youngster from further entanglement by helping him to work, and to a knowledge of the powers within himself the neglect of which has led him into his difficulties. Parliament has concerned itself on his behalf, probation systems and Borstal institutions have been created, and are to be extended and increased. It

has instituted Juvenile Courts and decreed that no child under sixteen shall be sent to prison—unless he is over fourteen and too insubordinate for other treatment.

But these enactments are of little value unless supported by public opinion and executed according to the spirit rather than the letter of the law. There are a few towns where it is determined that no effort shall be spared to give a lad a new chance, where it is realised that the first offence will not be the last unless there is skilled intervention by the right sort of person. Where the effort is made it can always be traced to the interest of one person in the fate of one child. The work cannot develop except on that foundation, it cannot exist except there be this personal desire among men to seek and save that which appears to be lost.

I say "appears to be lost," remembering that appearances are often deceptive. Justice is concerned less with the appearance of the offence than with the cause, and she recognises that the smashed window or the broken till may be due either to an act of premeditated crime or to a mistaken idea of the heroic. This distinction of motive is obviously as difficult to draw as it is important to maintain. If we are to help a lad we must know whether his fault is due to a manifestation of natural high spirits, or whether it is the last act of an unrestrained young profligate.

The object of this book is to spread the desire to help among the many who would come forward if they understood the need, and to be of some use,

possibly, as a guide to those already at work. I shall avoid, as a far as possible, descriptions of poverty and crime, because it should be a sufficient incentive to Englishmen to know that over 30,000 children are yearly brought before the magistrates as having committed an offence and over half as many again as being offended against. I shall not embark upon speculations as to what might be in a better ordered State, for this is the work which needs to be done to free that State from an embarrassing population. Further, I shall not pretend that this problem is anything but one which is not only difficult in itself but surrounded by difficulties, and I offer no "short cuts to perfection."

The probation system is a comparatively modern attempt to bring the spirit of social service into play for the assistance of those who have committed some offence under the law. Is it to follow other official attempts which enlist voluntary support as a vehicle for the conveyance of official instructions, or is it to be alive with individuality and power? It is based upon the interference by one person in the life of another: is it necessary? Are the authorities labouring under any delusions about crime, punishment and reform? Do we want to see a dependent or independent people? In the chapter following I attempt to show the extent of the interference which will have been practised on many of the families with which we are brought in contact—an interference which has not always answered, for otherwise the probation officer would not be needed. Can the "after-care" worker

supply the something which those who have preceded him have lacked ?

The probation officer is not handicapped by many regulations, there is no ambiguity as to the reason for his interest in his charge, whose family appreciate the definite object of his supervision. Whether his interference is justified will be shown by the number of cases to which he can give a clean bill of health, not by the number he can continue to keep on his registers.

2. The Normal.

The aim of probation and " after-care " work is to prevent the recurrence of the offence and to overcome criminal or non-moral tendencies by the power of a normal or healthy personality. I say the recurrence of crime, because I do not believe in the wholesale interference with people under a general " after-care " scheme ; where its laws have been broken the community has a responsibility which it does not possess otherwise.

The normal lives of the majority of men and the general effort, not only to maintain the normal but to raise the standard of life, provide a sufficient safeguard to the peace of the community. Probation and " after-care " work can only be effectively carried out by those who have a lively appreciation of what is normal. Indeed, it has come into prominence because we have seen that the prison does not restore a man to a normal life, but helps him to become accustomed to the abnormal.

The effort of all " social service," and especially

that of the probation officer, should be to raise the abnormal into the state of the normal. This is unhappily not the view of certain of the "social reformers," who imagine, for example, that the whole of the elementary school population is abnormal, that all the children are in need of the necessities of life, under-fed, without medical treatment for pressing diseases, and growing up into unemployable hooligans. Their parents are, the argument runs, incapable of exercising their responsibilities because they are too poor—a word which, in the mouth of the reformer, signifies a state of honest unemployment, total abstinence, an insanitary dwelling, and over-crowded rooms ! Officially-minded persons work out an elaborate dossier system in which these poor are to be sorted, classified, and tabulated in a manner convenient to the administrators of public relief ; progressively-inspired politicians organise State doles and endeavour to prove the utility of Parliament by the amount of disguised poor relief it can legalise. It would seem that the abnormal family predominated and that the condition of the working classes was unavoidably one of dependence. However that may be, the standard of the probation officer is set by those who commit offences which lead them to his care and those who do not. It follows that he may often have to submit to a lower standard of what is normal than he would wish ; but it is to be hoped that he will not rest content with this, and that he will aim always at the highest degree of independence for his charges that they are capable of maintaining.

3. Cure or Prevention.

It is seldom, if ever, possible to know when a man is on the road to disaster. The man who is occasionally drunk, frequently gambles, and always lives in a pigsty, may be able to pull himself together before the last ditch of destitution and the loss of his independence either in prison or in the work-house.

It is true that "the last ditch" may be the first, but the first can only be known to the sufferer himself and cannot be distinguished by his neighbours, even when they look back after he has fallen into a number of others. It follows that official interference can only begin when the man or woman asks for assistance or has compelled action by some contravention of the law. This destroys the belief in that blasphemous¹ adage that "prevention is better than cure." It is commonly held that if men were prevented by the State from getting out of work or from taking too much to drink, and if children were prevented by official doctors from falling ill and having bad teeth, the desired millennium would arrive. It is urged likewise that if the object of the criminal law were the prevention rather than the punishment of crime there would cease to be criminals. We hope, indeed, that an organised system of probation would effectually starve our prisons, but as probation is only applied after an offence it is a type of punishment: the prevention of crime rests ultimately, not with the probation officer, but with

¹ Blasphemous because it is contrary to the divine law which allows each man the power to do evil or to do good.

the community and the standard of morality demanded by national life. To prevent a person from getting into prison is not the same thing as to prevent him from committing a crime.

Nevertheless, the probation officer aims at the prevention of the *recurrence* of crime. I attach importance to this distinction, as it seems to me essential to justice and human liberty to believe in the integrity and honour of men. God does not mean us to be liars and thieves until some political visionary can devise a means of saving us, though both here and abroad there exists some such pessimistic conception of His will.

To some minds after-care is a scheme whereby the whole wage-earning class shall be watched over by officials from birth to death.¹ This is the motive of the scheme actually in operation in certain districts in which each child, of whatever home or parentage, attending the elementary schools is secretly reported on to the labour exchange. Fortunately the pessimists are satisfied with a paper conformity, but this assumption of dependence cannot have a healthy influence and must not altogether be disregarded.

There is one form of prevention which I do advocate, and that is the prevention of the State from interfering unnecessarily. If a child is punished for an offence regardless of the cause, it is a mismanagement of the practice of cure ; if a lad is apprehended for harmlessly kicking a ball about in the street, it

¹ See " Boy Labour and Apprenticeship," Reginald Bray, pp. 237 *et seq.*

shows a misunderstanding of the principle. In both cases we must prevent our representatives from wrong action. But to prevent people who act for us from making mistakes is different from restraining hitherto independent persons.

4. Punishment.

"In the use that the teacher makes of rewards and punishments he expresses his latent conviction that he is working against the grain of the child's nature."¹ The object of probation is, by avoiding punishment, to work with the grain, and the system is a criticism of our method of punishment.

The work of the "after-care" worker and probation officer is influenced, as we have seen, by two motives—the first to prevent the recurrence of crime, and the second, as a means to that end, to prevent as many people as possible from being committed to prison. The probation officer knows that some 70 per cent. of the men and women committed to prison return there,² and he sees in the recidivist the failure of the prison to deter men from crime and its success in making men contented with the

¹ "The Tragedy of Education," Edmond Holmes.

² See "Criminal Statistics, 1912," p. 10: "Of the 10,931 persons convicted at assizes and quarter sessions 7,465 had previous convictions," while of the 156,913 persons received in the prisons 103,407 had been previously guilty of other offences: see Tables XXXVI. and XXXVII. The Commissioners of Prisons in their last report (1914) state that of 103,010 males and 33,414 females convicted 19 per cent. of the males and 32 per cent. of the females were convicted more than once during the year, and 63 per cent. and 78 per cent. respectively had incurred previous convictions. "Of the male prisoners sentenced to penal servitude during the year no less than 87 per cent. had been previously sentenced to imprisonment."

abnormal life of crime. He does not as yet conclude that punishment cannot be given officially, but that what is given is, in the majority of cases, ineffective. The Home Secretary in introducing the Criminal Justice Administration Bill (April 15th, 1914), said that the Bill had been named originally "The Abatement of Imprisonment Bill," and described it as an attempt to abate the evil of imprisonment as it affected juveniles or first offenders. We may at first glance conclude that the Home Office is rising to the Tolstoyan height of doing away with punishment altogether, as indeed it has for a number of juvenile offences, but it is only doing so by keeping alive the fear of the possibility of the punishment it distrusts; the probation system depends at present upon the prison as an ultimate possibility. How far this fear is responsible for restraining the criminal tendencies of the probationer I cannot say; a certain fear of prison does exist among those who have not experienced it. But the probation officer will be wise not to depend upon it; rather he, of all men, has to remember that the spirit of love casteth out fear.

"The judges shall make diligent inquisition; and, behold, if the witness be a false witness, and hath testified falsely against his brother; then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you. And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you. And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot."¹

¹ Deuteronomy, xix. 18—21.

In this saying of "old time" we note three ideas—(1) the necessity of knowing all the facts before passing judgment ; (2) the belief in deterrent punishment ; and (3) the disbelief in mercy, or, in other words, the admittance of the spirit of vindictiveness: though, as Dr. Scott Holland rightly points out to me, an eye for an eye is a more merciful code than a head for an eye. Tolstoy and others have interpreted the condemnation of part of this law by Christ to apply to all punishment inflicted by man upon man ; while others hold that He was not condemning punishment so much as its vindictiveness. However this may be, there is no doubt that deterrent punishment has often been ineffective to check crime, though it has succeeded in making the criminal more adept in his work, and when a given punishment was popularly supposed to be too severe, judges, juries, and magistrates found ways to avoid giving it. The death penalty, which is, I imagine, the most deterrent or would-be preventive device which man can conceive, was at one time promiscuously in force. All felonies in which the sum involved was over one shilling were liable to be punished by death. Indeed, as late as 1831 the death penalty ¹ for all crimes totalled 1,601 (52), of which only 14 (12) were for murder, while in 1862 out of 29 (15) all save one were for murder. The reduction in the number of crimes liable to so grave a penalty was due not only to its failure as a deterrent but to a clearer view of the functions of the law. Justice was no longer to be an end in

¹ The number executed is given in brackets,

itself—lynch law in respectable garments—but to be the means of securing a just way of life. Those who opened Parkhurst Prison in 1837 for juveniles sentenced to transportation were beginning to see this ideal of justice, even though their prisoners had to wear irons ; and it is the growth of the ideal which has led to the particular care exercised over juvenile offenders at the present time. It will not end there. We are finding that imprisonment is ineffective for men and women ; they grow accustomed to punishment which has ceased to be a disgrace or an inconvenience to them. A married man knows that his family may be better cared for while he is “ over the wall ” than when he is at home ; his neighbours merely look upon his absence as a temporary misfortune due to being found out, and he returns on discharge to his former environment conscious of possessing some at least of the elements of heroism.

In this way justice is deprived of the natural and after all most effective punishment—the distress of a man’s family and the distrust of his friends. This is a serious calamity, for it shows either that the system of justice is out of touch with the people, or that the people have lost the reverence for liberty in which atmosphere alone true justice can survive. I am loth to leave this part of our subject at the threshold of so vast a problem, but its mention will, I believe, serve to show the importance of the right treatment of juvenile crime, a treatment which, by training the young offender to develop and employ his faculties honestly, will give him the power to

appreciate liberty and the desire for what is honourable and just.

5. Recent Legislation.

I dare not suggest that what I have written represents all that has been in the mind of Parliament when it has passed laws which relieve magistrates of the necessity to imprison certain offenders. This book is not a history of punishment, and it is only necessary to refer to recent Acts which show a distrust of imprisonment as an effective means of checking juvenile crime.

The *Summary Jurisdiction Act*, 1879, allows the court to reduce the statutory amount of imprisonment, or fine, in the case of first offenders, while those guilty of trifling offences can be discharged upon giving surety of good behaviour. No sooner was this Act in operation than the Home Office (October 20th, 1880) was inquiring of chairmen of quarter sessions, magistrates, and others "to consider in what way the law ought to be amended, especially with a view to the prevention of imprisonment of young children whether on remand or after conviction."

The *Probation of First Offenders Act*, 1887, allowed the courts to discharge certain offenders finding surety for good behaviour, even if the offence could be punished by two years' imprisonment. This Act was repealed by the passing of the *Probation of Offenders Act*, 1907, which gave the court power to liberate a person convicted of crime either upon his own recognisances or under the supervision of a

probation officer. The court, by this means, is able to reserve the sentence of fine or imprisonment in case the offender should give further trouble, otherwise he is at liberty to do as he pleases.

The *Youthful Offenders Act*, 1901, was incorporated in the *Children Act*, 1908.

The *Children Act*, 1908, provided, among many other matters, that no child under fourteen should be sent to prison, and that children between fourteen and sixteen should never be sent to prison unless they were too unruly for other treatment. It also established the Juvenile Court.

The *Prevention of Crimes Act*, 1908, introduced the curative form of imprisonment known as the Borstal system.

The *Criminal Justice Administration Act*, 1914, (1) allows further time for the payment of fines and the reduction of sentence upon part payment; in this way the "option" may actually be an option for such as are not possessed of much available cash. (2) It provides that societies organising (a) probation work for juveniles under twenty-one, and (b) supervision of children on licence from industrial reformatory schools, may be recognised by the Home Secretary, and their representatives may be appointed as probation officers. The Home Office is empowered to contribute toward the expenses of such society. The object of this section of the Act is to develop the work of probation so that the magistrate may be able to rely upon an effective system to keep many young persons and first offenders out of prison.

There are many other provisions in the above-named Acts which will be referred to in the course of this book. Some we would repeal and others we would increase, but we can only decide that there is hardly a power which Parliament can provide that is not at the service of those who would remove the heavy handicap with which so many begin their lives.

CHAPTER II

THE ADMINISTERED CHILD

1. Officials for the Poor. 2. Overlapping. 3. The Effect.

1. Officials for the Poor.

THE probation officer has to handle well-administered persons, and in this chapter I indicate something of the extent and confusion of that administration. It is because of this over-administration that magistrates are not properly supplied with the previous history of the cases which come before them, and we must learn how the probation officer is to acquire this information without adding to the confusion. He may well be alarmed at the array of officials, for he will discover that no one group of officers is endowed with full knowledge ; in one district it will be the school attendance officer, in another the relieving officer, who has the personality and experience which will supply him with what he needs.

The probation officer has to face the fact that an army of officials is in the field before him, that they have worked their machines of inquiry, and that it is his business to come in at the end and repair the mischief. His task is not easy. He follows on a method of inquiry which has relied much upon the statement of the parent, and parents become accustomed to make ready statements to

whatever official may be concerned with them at the moment. In this connection I may quote my own experience with a father who had asked for school meals for his fifteenth child ; I was asking him about a child who had left school and appeared also to have left home. " I am sorry, sir, I cannot well remember which is which ; I generally keeps a list of them for ' these occasions,' and I've left it at home."

Now it must be remembered that " these occasions " indicate an *abnormal* home, and it is the child from the abnormal home who usually reaches the Juvenile Court. The *normal* parent decides to subordinate his personal desires to the ordering of the State ; therefore his child attends school regularly, is inspected free of charge by a doctor who does not know his home or history, is treated by a Council Clinic for defects which his parents think unimportant. A consistent policy of acquiescence keeps a parent out of reach of official and voluntary interference in his home. But if he does not acquiesce, then his case becomes abnormal and he is likely to feel the official weight. Practically the whole of the official weight has been put on the families which feed prisons, reformatories and industrial schools, and often they have suffered from voluntary interference as well.

To give some idea of what this may mean, I set out below a list of persons imposing and offering protection.

In London there were in June, 1914 :—

Borough Councils : 298 male sanitary inspectors ;

29 female sanitary inspectors ; 16 women who are part-time sanitary inspectors and part-time health visitors ; 21 whole-time health visitors ; 29 clerks to distress committees.

Guardians : 309 relieving officers.

London County Council : 297 school attendance officers ; 13 industrial school officers ; 12 " special " officers ; 13 " street " officers, 12 of whom make inquiries for care committees ; 13 unattached officers ; 106 school nurses who visit the homes of the parents in the course of their routine work¹ ; 19 nurses (or the true equivalent of) paid for by the council to the nursing associations for the treatment of minor ailments ; 30² assistant organisers of care committees who do care committee work for which voluntary workers are not forthcoming ; 6 infant life protection visitors.

Home Office : 6 inspectors to supervise parents whose children have been committed to industrial schools.

Board of Trade : 18 juvenile advisory committees (these do not do much home visiting, as they see children at the exchange).

This list should include the officials connected with the administration of the National Insurance Act and old age pensions, but this book is not about the bureaucracy.

¹ More as messengers than nurses, as they deliver notices with regard to medical attendance at medical inspection ; inspecting the children's heads and attending the school doctor being their chief work.

² This is an estimate. There are 12 district organisers, 67 assistant organisers, and 29 clerks working in the district.

The number of voluntary agencies who visit is beyond calculation, and the number of visitors attached to each cannot be estimated ; the following list may help to show that there is considerable activity and some danger that ground may be covered more than once :—

N.S.P.C.C. : 40 officers (approximately).

C.O.S. : Inquiry officers, besides voluntary workers.

Children's Aid Society : 8 investigation officers.

*Voluntary Health Societies*¹ : 135 Jubilee nurses ; 85 Ranyard nurses ; 29 local societies engaged in health work involving home visiting.

—These figures give some idea of the number of persons working for the protection of the poor in London : I believe it to be true that most of the provincial towns have much fewer in proportion.

In Bristol, for instance, there were in June, 1914 :—

17 Male sanitary inspectors ; 2 whole-time health visitors ; 24 attendance officers ; 1 industrial schools officer ; 2 infant life protection visitors.

Guardians : 15 relieving officers (men) ; 1 relieving officer (woman) ; 1 overseer.

Home Office : 1 inspector to collect industrial school payments.

Board of Trade : 1 juvenile advisory committee.

The field of operation of these officers would be easily defined if public authorities were not so

¹ Prepared by the Voluntary Central Committee for London, 1914.

numerous and if their records were capable of yielding reliable information. Perhaps as the bureaucracy increases a post may be made for that registrar who was so much trouble to certain of the Poor Law Commissioners and then we may be able to do more than guess at the facts. However, it is safe to say that the work of these officials is chiefly confined to the families in which there are children attending the elementary schools. We know that there are about 300,000 such families in London compared with some 25,000 in Bristol. Of these families we may say that the abnormal are those whose children are in receipt of school meals because they are "necessitous." There is no accurate record of this number, for a child necessitous in March and again in November will usually be counted as two children in the returns. But we know that children from about 30,000 homes were fed in London during the early panic of the war, and from what experience I have of London I think that few "necessitous" families failed to take advantage of this provision. There are about 1,500 officials under the public and semi-public authorities concerned with the welfare of the children and their homes, so that we have one paid person to each twenty of the abnormal families in London as compared with one official to forty in Bristol. But the authorities overlap so much that a more accurate indication of their operations is to say that every hundred families of the abnormal class in London is watched over by five independent and frequently antagonistic official persons.

2. Overlapping.

The extent to which co-operation is maintained varies in different localities. In Bristol, for instance, I am impressed by the fact that the officials themselves have seen the advantage of working well together and have been somewhat enlightened as to the place of the voluntary worker. But if we refer again to London we find that the Local Government Board recently addressed a circular letter ¹ to the mayor of each metropolitan borough and the chairman of each metropolitan board of guardians, advocating further co-operation, and suggesting the calling of conferences at which the public health and poor law authorities and the voluntary agencies should be represented and the questions of formulating schemes of co-operation discussed. This is evidence, if we need it, of the lack of co-operation at present.

It is not my object to point out a remedy for overlapping, but to show who is at work before the Juvenile Court comes into view ; I should, however, like to suggest here that overlapping is not reduced by the allocation of duties to one authority, as there is often less co-operation within the offices of a large authority than between that authority and those outside it. The officials have to be classified according to their functions and approached as though they were separate authorities. There is no active desire for co-operation in official circles except among the relieving officers employed by certain of the more enlightened boards of guardians. This

¹ January 21st, 1914.

makes a very real difficulty and is responsible for much chaos.

The redundancy of the official¹ is a popular complaint which has little success, because it is not only extremely difficult to remove an official from the public service, but it is difficult for any one but an official to know the facts of official weakness. The result is that the attack is seldom definite and nearly always misinformed ; it must always appear as a complaint against the efficiency of officials, while the trouble is that they are too efficient : hence we seem powerless to do much to bring a unity of purpose into official life. In saying this I would not be held to justify the work which many officers are asked to perform, which is, in my judgment, often harmful to the well-being of the State. But the State has imposed these duties, and if they are evil it is we who are to blame, not the officials. I deplore the indifference of the people chiefly concerned—those we contemptuously term the poorer classes ; they pay the piper—indirectly for the most part—and they acquiesce in the calling of the tune by others ; they suffer the interference, but they do not realise that day by day they are being robbed of that independence which, once exercised, would sweep away even the pretence of the necessity for so many unproductive administrators.

3. The Effect.

The effect of the sporadic interference officially

¹ See Appendix A.

practised in the lives of the poor is to deprive those whom we would help of the power to receive the help. We endeavour through these many channels to combat the several evidences of but one disease. A child from a neglected home may be visited by a nurse, a care committee member, N.S.P.C.C. officer, Children's Aid officer, sanitary inspector, and school attendance officer. The family is merely confused by the attention, and, having knowledge of what has happened to a neighbour, is not impressed by printed or personal exhortations. The police stand on a different footing ; they do not interfere except under provocation, and they carry the case through to a known conclusion. The fact that the provocation appears inadequate and leaves a sense of injustice behind does not impair the authority of the police in anything like the same degree as the official visitations, which are inconclusive and normally ineffective.

The difficulty is much less in smaller places, where there is often economy in official machinery and the virtual control of the whole district rests in the hands of one or two local people. But the effect of home visits which are departmentalised, whether by an official in a large town or a voluntary worker in a small one, merely degenerate into doorstep conversations, which lower the respect of the family for themselves as they lower the respect of neighbours and friends who witness the intrusion. It is the worst of signs when a visitor goes to a home and is not invited in. The lack of courtesy may be due to the untidiness of the house, but it shows also a lack

of interest in the visitor and a carelessness as to the opinion of the street ; such indifference would not trouble us had it not been brought about by over-visitation on behalf of the public bodies who are elected to represent us and if it did not put an effectual barrier round the area of poverty which prevents the egress of the inhabitants therein. Useless visitation has driven the poor into an officially recognised compound from which they have lost the desire to escape.

CHAPTER III

OFFENDED AND OFFENDING: THE DUTIES OF VARIOUS PUBLIC AUTHORITIES

1. The Offence. 2. Caught. 3. The Parent.

1. The Offence.

THERE is little doubt that if the standard of adolescent behaviour demanded of Bermondsey were to be enforced in Oxford few undergraduates would come down unknown to the police. But a gulf is fixed between these two riverside habitations crossed only by a few slender bridges. The vigilance of the proctor is as nothing to that of the police, school officers, and "cruelty" men who lie in wait for the offending child and are ready to rescue the young from the evil influence of their parents.

The offences of the juvenile with whom we are concerned consist chiefly in thieving, acts of mischief, begging, and gaming in public places. The principal figures for 1911¹ were:—

Theft or similar faults	10,747
Other indictable offences	1,270
Assaults	242
Cruelty to Animals	233
Education Act (truancy)	470
Obstruction, &c., of highways	2,401
Employment of Children Act	537

¹ "Criminal Statistics, 1911," Table XVI.

Malicious damage	4,617
Offences against police regulations and local bye-laws	6,530
Offences in relation to railways (? loitering in stations)	395
Stealing fruit, plants, &c. . . .	1,313
Begging and sleeping out	798
Gaming	2,328

which make up no less than 31,881 out of the total of 32,977 juveniles proceeded against. It is interesting to note that boys are the chief offenders, only 5 per cent. of the total charges are against girls, a percentage which is more than trebled by females over sixteen.

This list of offences does not exhaust the catalogue of reasons for a child's appearance before a magistrate. He may have been offended against or in other ways have qualified for admission into an industrial school. The nominal reasons for 4,762 children being sent to these schools in 1912 were:—

Begging (Children Act, s. 58 (1) (a))	309
Wandering (<i>ibid.</i> , s. 58 (1) (b)) .	857
Destitute (<i>ibid.</i> , s. 58 (1) (c)) .	69
Drunken or criminal parents (<i>ibid.</i> , s. 58 (1) (d))	1110
Incestuous parent (<i>ibid.</i> , s. 58 (1) (e))	1
Frequenting company of thieves and prostitutes (<i>ibid.</i> , s. 58 (1) (f)) .	50
Residing in brothel (<i>ibid.</i> , s. 58 (1) (g))	124
Truancy	2,039 ¹

¹ Of these 495 were sent to long term, 734 to short term, and 810 to day industrial schools.

Charged with punishable offences .	906
Charged with being out of control by parents (Children Act, s. 58 (4)) .	251
Charged by Guardians (<i>ibid.</i> , s. 58 (5))	26
Charged otherwise	20
Total	4,762

3,008 of these children were separated from their parents by being sent to "long term" schools, *i.e.*, until they were sixteen years of age and possibly for two years beyond while "on licence." The whole of section 58 of the Children Act is designed to save children from undesirable parents, though "if the only common or reputed prostitute whose company the child frequents is the mother of the child and she exercises proper guardianship and takes due care to protect the child from contamination" the child cannot be taken away from her.

The procession of children through the Juvenile Courts is longer than most men realise. I cannot speak of the thousand reasons for this. The convictions of persons under twenty-one are happily on the decrease, as the following figures¹ will show:—Males of all ages—1902-3, 11·6 ; 1913-14, 6·1. Females of all ages—1902-3, 4·8 ; 1913-14, 2·5.

The classification of crimes does not in the least represent the classification of criminals. The young thief may be apprenticed to the thieving industry by his parents, or he may have yielded to a casual

¹ Report of the Commissioners of Prisons for 1914, p. 9.

temptation. To smoke, gamble, or sleep out may be the passing stupidity of a normally healthy lad whose parents exercise every reasonable care over him. Both boys and girls experience physical changes in their lives which make them, for a time, subject to moods and imaginings which they will soon grow out of. Boys may indulge in abuses of which new interests may soon relieve them. Again, some of the children apprehended are not fully developed mentally. The knowledge of even a few cases which come to the Court will demonstrate the infinite variety of juvenile crime and character which requires consideration—a variety which is subject to no classification.

Of the offences set out one has most sympathy for the 6,530 children who have offended against regulations which are often worrying enough for the adult. I can never see a policeman ordering naked little urchins out of the river without wishing to protest against the majesty of the law. Although touting for light portorage near a railway station, or street selling without a licence, may often be indicative of a wrongly disposed child, I doubt whether the offence should be raised to the category of crime.

The child that is most offended against is the little girl who has been subject to incestuous or other similar outrage ; as a member of a small committee to which these cases are referred, it has been my lot to see into something of what this evil means. Known offences number about two a week in London and are of every degree of horror, from the case of a little mite of five who contracted disease

as the result of a criminal assault by her mother's brother, to that of a girl of thirteen whose depraved curiosity and instincts made her an active source of corruption among easily led companions of both sexes. Children of the latter type can be committed to certified homes under the Children Act ; other children require a complete change of scene and a healthy month of two in the country before returning to their normal home and school life ; it is usually well to advise the parents to move into another district and send the child to another school, because, even if the offender has not been arrested, there is much unnecessary talk and inquiry among neighbours.

This type of offence has no particular relation to poverty or to city life ; one would naturally suspect the evil where there is over-crowding, but it occurs practically in every class of society ; the worst cases I have known come from the country. It is not a crime which can be stopped by birchings or penal servitude, it is not a crime that is planned, like burglary ; it is, quite simply, a horrible expression of unrestraint of which no mentally sufficient adult person is guilty without being perfectly aware, if he thinks at all, that he is liable to the severest punishment. The matter is one which a number of people have on their minds, and it may be desirable to mention the penalties to which adults are liable if they offend against the child in this way.

By the Criminal Law Amendment Act, 1885, the defilement of a girl under thirteen ¹ is a felony, and

¹ Section 4.

may be punished by penal servitude from three years upwards, or by imprisonment not exceeding two years with or without hard labour. The proof that a man has had "carnal knowledge" of a girl depends upon medical evidence as to penetration,¹ which is, however, of no value by itself, and no person can be "convicted upon the evidence of one witness unless such witness be corroborated in some material particular by evidence implicating the accused."

An "attempt" to have unlawful carnal knowledge is a misdemeanour for which the guilty person is liable to imprisonment for not exceeding two years with or without hard labour, though if the offender is over fourteen and under sixteen he may be whipped.²

The offence, attempted or actual, against a girl over thirteen and under sixteen is a misdemeanour and subject to the above punishment provided that the offender is *not* able to satisfy the judge that he "had reasonable cause to believe" the child was over sixteen and that the prosecution is commenced within six months of the offence.³

An extension of time in this last provision is essential, for when the pregnancy of the girl is the first indication, and the absolute proof that an offence has been committed, it is absurd to be prevented from using that evidence at the time when it is

¹ See "The Law of Children and Young Persons," L. A. Atherley Jones, K.C., and H. H. L. Bellot, p. 188.

² *Ibid.*

³ Prevention of Cruelty to Children Act, 1904, s. 27.

becoming impossible to conceal it. Unhappily, to prove the offence is not to find the offender.

The practical thing to do in these cases is to see that every effort is made to save the child from the evil effects, a duty which, in many cases, the parents are amply competent to fulfil. But where the offender has been arrested and it is necessary for the girl to be medically examined or to submit to questioning by the police magistrate or judge, it is desirable that she should have the friendly counsel of a woman, besides her mother, whose presence in court will reassure her and whose knowledge of the procedure may save an unnecessary repetition of detail. In London a woman has recently been appointed by the Commissioner to take the depositions in cases of this kind. In the country districts it is more difficult, but either a female probation officer or a woman constable should be available.

I have spoken of this particular difficulty because it is the most serious with which the probation officer will have occasion to concern himself or herself. Fortunately, it is not common.

2. Caught.

The police are the more humane of the officials who prey upon the young, though here and there one will find a constable boasting of the number of children he has saved from their parents.

I have in mind the house of a police officer which served as a kind of depository for illegitimate and unwanted children. A mother would come round with a pitiful tale of distress and desertion and ask

that her children might be taken ; the officer would tell her to be at the end of the street at a certain time with the children, where he would meet her with the school officer and find them " wandering." Naturally, a complacent officer of this kind is more pleasant to deal with than a relieving officer who asks questions ; he does not suggest to the magistrate that it is worth while searching for the father nor propose that the parent should contribute to the maintenance of his child.¹ Officers whose idea of their duty is to secure as many children as possible do not make inquiries.

An example of this kind does not do justice to the remarkable resource and patience shown by many officers in the extraordinary difficulties with which their path is set. I have known men in the service of the London County Council who have watched night after night outside a house known to be a brothel, in which children were growing up in unspeakable conditions. Evidence in such cases is hard to get, and fortunately children are not often involved, but the magistrate requires, and rightly so, more than the bare statement of one man. The house is one of a terrace in which each house is occupied by several families ; in all there is much more coming and going than in a house with a single family : the street lighting, if sufficient for traffic, does not assist those who would recognise the passer-by. At last comes the night when some brawling occurs, when the people are more drunk than usual, and the watchers—for there are two of

¹ Children Act, s. 22 (2).

them—are able to establish the promiscuity of the male visitors to one room and the lateness of their departure. Then, armed with their evidence, which includes a history of neglect from school teachers, school doctors, and care committee or church visitors, the borough council is informed and is able to advise the police to descend upon the house while the industrial school officers take the children.

Again I recall at least one case in which my judgment as to the state of the home was wrong, though I had seen the fiercest of battles between the mother and father and knew the children were constantly verminous. The school officer maintained that it was only a result of an abnormally long drinking bout—it had lasted two months—that when it was over the man would regain his senses and all would be well. He was right, and owing to the intervention of a mission woman the man and his wife were, to my delighted surprise, induced to give up drinking altogether.

3. The Parent.

In the list of reasons given on p. 25 for the admission of children into certified schools the parents or other persons responsible for the child's condition are liable to sundry penalties.¹ The extraordinary fact is that while a number of children are removed from their homes under the first three sections (Children Act, s. 58 (1) (a), (b), and (c)), their parents are frequently not proceeded against—that is to say, the magistrates find the child proven

¹ See Children Act, ss. 12, 14, 16, 17, 19, "Truancy" should not be included,

to be wandering, begging or destitute without necessarily fastening the responsibility for that condition upon his parents or any one else. This is not satisfactory ; it is for this reason that such a receiving home for illegitimate children as I have already described on p. 30 becomes possible, and it lowers the legal standard of parental duty. Knowing as I do many undesirable homes, I am, nevertheless, amazed that we dare ever to decide that a child will be better off and have a fairer chance if removed from the control of its parents. I know families where the parents seem altogether to have " missed fire " and yet whose children have grown up into honourable and responsible men and women without the official fuss which would now be made about them. How easy it is to point also to good families where the reverse is the case. But there are the others. The probation officer will come in contact with every kind ; he will not fulfil his duties less successfully if he is diffident and anxious about his work.

4. Duties of Public Bodies.

The children or young persons who do not keep " within the law," or the conduct of whose parents renders them liable to apprehension, may be " charged " with the offence by " any person." ¹ In practice this is a duty seldom recognised except by certain public authorities. For those not familiar with the working of our judicial system as applied to juveniles the following classification,

¹ For procedure, see Children Act, s. 24

taken in conjunction with the list of crimes already given, may be of use :—

(i.) The child between twelve and sixteen years of age, who has committed an offence which would make him liable to imprisonment were he an adult.¹ The police and education authorities² are concerned with these cases ; the child may be committed to a reformatory school¹ or placed on probation.³

(ii.) The young offender over sixteen and under twenty-one. These cases are taken at the ordinary police courts, not the children's court ; the young person may be sent to a Borstal institution⁴ or be placed on probation.⁵

(iii.) The child, under fourteen, who is taken up for begging or " wandering." ⁶

(iv.) The child, under fourteen, whose parents are unfit to exercise proper guardianship⁷—*i.e.*, if the child is destitute and its parents are of drunken, criminal or vicious habits ; or if the child is living in a house frequented by prostitutes. In this and the previous division the education authority is primarily responsible as the children may be sent to industrial schools,⁸ though the police co-operate. The National Society for the Prevention of Cruelty to Children (N.S.P.C.C.) is naturally aware of many

¹ Children Act, s. 57.

² *Ibid.*, s. 58 (8).

³ *Ibid.*, s. 60.

⁴ Criminal Justice Administration Act, 1914

⁵ Probation of Offenders Act, 1907.

⁶ Children Act, s. 58 (1) (a), (b).

⁷ *Ibid.*, s. 58 (1) (c) to (g).

⁸ Named by the education authority to the magistrate, who usually adopts the recommendation.

of these cases, as it exists to protect the neglected child. In London the County Council passes on to the N.S.P.C.C. all complaints as to neglect and ill-treatment which are not sufficiently serious to warrant the removal of the children from their homes.

(v.) The last and smallest division is of the children who habitually play truant and may be sent to an industrial school.¹ There are few cases which are sufficiently serious for such treatment; the education authority is alone responsible for them.

The responsibility of the police officers and the education officers is a little mixed; the Children Act ² says that the police are not to take proceedings if "the case is one within the cognisance of the local education authority and that authority decide themselves to take the proceedings." In some districts the mere inquiry from someone representing the education authority will lead the police to decide not to take any further responsibility in the case. This is particularly unfortunate when one is anxious to remove a child from a brothel, because the police have more opportunity of knowing the whereabouts of such places than the school officers. It is of little importance that in one town the initiative is taken by the police and in another by the education authority, but the mistake is in having given the education authority duties which can be better performed by the police.

The *Poor Law Authorities* may adopt any children maintained by them whose parents are unfit to

¹ Children Act, s. 58 (6).

² Section 58 (8) (a).

have control over their children, but they do so under the Poor Law Act of 1899, and not under the Children Act, 1908. The guardians relieve the necessities of a widow's home by boarding and educating some of her children; if she begins to lead an immoral life the education authority may step in, without consulting the guardians, and charge the remaining child or children when the guardians were about to act less drastically. It frequently happens that the education authority charges children with wandering or begging whose parents are in receipt of poor law relief and does not inform the magistrates of the fact. It would appear desirable that no child should be brought before the magistrates without a statement from the relieving officer as to his knowledge of the family.

The minority of the Poor Law Commission reported at some length on this point,¹ ultimately coming to the conclusion that the education authority should have sole responsibility for neglected children, but in the light of subsequent experience this would not now seem advisable. The Children Act is probably administered nowhere so satisfactorily as in Scotland by the poor law authority. How many public authorities could report that :

“ Proceedings under sections 58 and 59 of the Children Act were taken in 23 cases (representing 56 children found wandering and under the care of drunken, criminal and immoral parents, and living in brothels). . . . Of these ten parents were ordered to contribute sums

¹ Poor Law Commission Minority Report, 1909, Part I., Chapter IV,

ranging from 1s. to 7s. 6d. weekly towards the maintenance of the children; a putative father of two children was ordered to pay 4s. weekly, and a man, living in cohabitation with the mother of five children, was ordered to contribute 2s. 6d. weekly towards their maintenance, notwithstanding that he is not their father. Three or four parents were allowed another opportunity to exercise better guardianship.”¹

To those who have witnessed the confusion in the administration south of the border the report from which this extract is taken is a stimulating document. I am aware that Mr. Motion, the inspector, is an exceptional person and that under his direction the Children Act is necessarily well administered; but I know a number of relieving officers in London, and am quite certain that, given the opportunity, they would do the work well. These are the only officers trained to look upon a family as a whole; they expect parents to contribute to the maintenance of their children. The education authority, on the other hand, has no successful experience in that respect; it failed to collect fees, as it is now failing to recover the cost for the provision of meals and medical treatment to the children attending its schools. The guardians have a complete variety of residential homes, schools, and asylums for the varying needs of the children to supplement the Home Office schools designed for “industrial” training. The guardians use the Home Office schools for certain cases, and there might be further co-operation between the two authorities.

¹ Parish of Glasgow Report for half-year ended November 15th, 1913.

The shadow of the rates is cast over many districts, so that it is not always easy to know whether children are allowed to remain in bad homes owing to an excessive zeal for parental freedom or because the authority does not wish to contribute to their maintenance. Vagrant children wandering through the domains of various education authorities¹ may escape them all, though it is clearly the intention of the Act (section 118) to meet this difficulty. The London County Council, though it is not legally liable, encourages the apprehension of all such children. Many other authorities refuse to proceed even when a vagrant child has been actually taken up by the police.

Doubtless, the confusion in the administration of the laws relating to children might be overcome, to some extent, if Parliament were to define the responsibilities of the various public bodies, and doubtless some authorities would achieve better results were the use of the rates more elastic; but I would suggest that these reforms can only be effective as they express the public conscience. When one child is sent away to an industrial school while his brother and sister are allowed to remain in the home which was too bad for him, there is something wrong, not with the overlapping of officials, but with the work of one official. There are hundreds of such cases. When homes are broken up without sufficient cause, or when families are allowed to remain in an evil state, the real blame may rest with negligent private persons. I have no doubt that if our first

¹ Children Act, s. 74 (5) (c).

care were to do justly by the children, understanding that the condition of the child is the condition of the home of which he is part, we should find the means. As the desire for justice grows we shall learn that crime is an expression of a growth which has its roots in most of us ; we shall cease to be concerned with theories about example, prevention, and the need for legislation, and we shall attempt to do unto others as we would be done by. We shall turn from the study of the law to the practice of life.

CHAPTER IV

REMAND HOMES

THE story of the elephant whose solicitude for the deserted family of chicks was exercised so disastrously is the only analogy which can be appropriately used to describe our management of the children under arrest. We sit on them very clumsily and heavily.

The Remand Homes owe their inception to a Local Government Board Order of April, 1897, but until the Youthful Offenders Act of 1901, the children were remanded to the ordinary workhouse. This Act enabled¹ either a county or borough council or a school board to defray the whole or any part of the expenses for maintaining children on remand. Three London homes were opened, in January, 1902, by the Metropolitan Asylums Board. The Children Act, 1908, transferred the control to the London County Council,² and at the same time enabled the police to send children³ to the homes, now called "places of detention," upon apprehension. This latter clause was necessary in order that children should not be detained in the police stations. In

¹ The Youthful Offenders Act, 1901, s. 4.

² The transfer took place early in the year 1910.

³ Children Act, s. 94.

1907 312 children slept in police stations prior to admission to the homes.¹ Except in the metropolitan area these homes are arranged for by the police² and are of several kinds. The private home of a retired police officer, a short term industrial school, a refuge, such as the Strangeways Refuge, Manchester, and the place of detention for ten children under the Birmingham authority will indicate the way in which the demand has been met.

When any child under the age of sixteen has been "taken up" by the police or school authority he has to be formally "charged" at the police station. The police superintendent is expected to release³ the child "on a recognisance" unless the alleged crime is grave, or the child would return to association with any reputed criminal or prostitute, or there is "reason to believe that the release of such person would defeat the ends of justice." If the child is not released he is conveyed at once to the Remand Home, where he is at hand to be taken before the magistrate at the next sitting of the Juvenile Court.

I am convinced that in London too many children are sent to the Remand Homes upon apprehension; obviously a child found sleeping under an arch at night cannot always be handed over to his parents, and the 312 children in 1907 might all have legitimately been kept over night in a police cell; but in

¹ Tenth Annual Report of the Children's Committee, Metropolitan Asylums Board, 1907. In 1905 the number was 416.

² Children Act, s. 108.

³ Children Act, s. 94.

1912 the number detained on apprehension had increased to 1,403.

The figures of children detained in Remand Homes ¹ in the metropolitan area are :—

Year.	Number sent on Apprehen- sion.	Number (not pre- viously sent) sent on Remand.	Total. ²
1911 . . .	1,252	956	2,208
1912 . . .	1,403	1,203	2,606

Of these totals 698 and 727 children were afterwards committed to industrial reformatory schools, so that presumably in two years 1,510 *and* 1,879 *children were detained in the homes unnecessarily.*

The remand is for a week or a fortnight while the officers make their investigations or the appropriate committee is arranging for a school to which the child is to be sent. Some cases are adjourned five or six times ; a girl with heart trouble, and therefore not eligible for industrial training, was detained for nine months, while 40 girls were once detained for seven weeks because of two slight cases of chicken-pox.

¹ See Report of the Commissioner of Police of the Metropolis, 1912, p. 70.

² The total of *new* receptions is 2,275 and 2,719 respectively, but these totals include children who were sent deliberately to be punished or who were waiting for a school and had not been detained before the proceedings in court.

The periods for which children were remanded to these homes in 1909 ¹ ;—

4	children for four, five, eight, and nine months and under.
3	„ three months and under.
41	„ two months and under.
91	„ one month and under.
390	„ three weeks and under.
1,422	„ two weeks and under (883 of these were for eight days).
455	„ one week and under.
2,406	

These places are obviously difficult to conduct, as children of all ages have to be provided for. The homes have to take in infants as well as young hooligans of fifteen, while there is, alas, occasional necessity to house a child prostitute or a young girl of fifteen who is pregnant. There is therefore a demand for more Remand Homes, with the consequent power to separate the children and allow for better classification. Some have been apprehended for faults of their own commission, others through the neglect of their parents; some children need careful watching, others are harmless and innocent. One may imagine that the problems presented to the officials in charge are sufficiently numerous.

The following table shows the number and accommodation of the Remand Homes under the control of the London County Council. The

¹ Report of Children's Committee, Metropolitan Asylums Board, p. 41; this return has not been continued by the London County Council, so these are the last available figures.

average daily number of inmates in 1911-12, with an accommodation then for 169 children, was 104, an increase of 40 on the daily average for the previous year :—

Place of Detention.	Accommodation.	Ages of Inmates.
Harrow Road . .	45 boys	12—16 years.
Pentonville Road . {	51 boys	7—12 years.
	33 girls	
Ponton Road . . {	30 girls	11—16 years.
	40 infants	Under 7 years.
	199	

Formerly each home served certain police districts and no classification of the children was attempted. The above table shows how a classification of age and sex has been effected, though at considerable inconvenience to the police in districts far removed from the appropriate home.

The homes are managed¹ by a sub-committee of the Council, whose individual members give much personal service in the supervision of the internal arrangements. A superintendent and his wife are in charge; qualified school teachers, and trained nurses visit the homes daily.

An increase in the number of homes may be necessary, further classification may be desirable, higher

¹ When under the Metropolitan Asylums Board the management committee used to meet fortnightly in the homes by rotation.

qualifications might be demanded of the officers in charge, but the immediate necessity is to reduce the number of children sent to the homes and to shorten the time they remain in them.

We may rightly learn something from Continental experience in this respect. In Budapest nearly all the children are allowed, after the formal charge has been made, to return to their own homes ; in France the magistrate may provisionally place the child under the care of its family, *or* of a " person worthy of confidence " or of a charitable institution. In the gravest cases only is it considered necessary to retain the offender under official control. Charitable institutions are made use of abroad to a considerable extent. In the largest of the kind in Paris the building is also used as the head office of the society and the publishing office of a journal, *L'Enfant*, devoted to the problems of juvenile care.

The Jugendheim in Munich is similarly a voluntary institution, and the atmosphere in both these homes is much more free and less lugubrious than what one would meet with in London. In 1913 205 lads¹ were received from public authorities and 75 from private persons and charitable institutions. An analysis of the official figure—205—gives an instructive comment on bureaucratic administration :—52 were sent by the Juvenile Court, 8 by the Orphan authority, 43 by the police, 27 by the Poor Law, and 75 by the municipal council. The overlapping involved will be more obvious when

¹ I obtained these figures in the home itself ; they had not been published.

these figures are compared with those showing the causes which led to the apprehension of the children:—102 because of bad home conditions; 85 because children appeared to be without homes; 71 because the authority sending them required the child to be watched; while only 22 were received on arrest pending the proceedings in the Juvenile Court. The average number of inhabitants in the home is 24; there is accommodation for 36, for whose surveillance there is a staff consisting of a superintendent, his assistant, a workmaster, and the cook.

I went to this home because I was interested in a boy of twelve who had stolen twenty door handles, which he had hidden under the snow until he had time to break them up to sell for old metal. I found him engaged with a dozen other lads, aged from twelve to seventeen, in making boxes and cupboards in the carpenter's shop under the direction of the workmaster. The governors are proposing to add ordinary school teaching to their curriculum; I think that no one having seen this type of instruction attempted in an English Remand Home would encourage them in that idea. The superintendent can send the lads out to an ordinary elementary school if he thinks they may be trusted. The only fault I had to find with this home—and a similar failing occurred in another institution in the same city—was the lack of supervision in the dormitory. In the Paris Homes there are three dormitories for different age groups and one of the staff sleeps in each.

Conclusions.

There are a number of voluntary institutions which could be used as supplementary Remand Homes in London, as they are to a certain extent in the provinces. The Children Act (see section 108 (3), (4), and (5)) contemplates the use of other than purely official homes. I commend this course to those in authority. But it is more important to allow as many children as possible to remain in their own homes until the court proceedings are over and their fate decided. It might then be found that the present accommodation was amply sufficient. Lastly, efforts should be made not to detain any child in a Remand Home for more than seven days ; this should give ample time for the formalities to be accomplished.

CHAPTER V

THE JUVENILE COURT ¹

1. The Court. 2. The Child. 3. The Magistrate.
4. Evidence. 5. Women in Court. 6. Jury.
7. Child's Advocate. 8. Conclusion.

1. The Court.

A BOARD room of a large but not noticeably prosperous commercial company in which are a few elderly directors at one end of a long table, the secretary, a capable looking person in spectacles with a big book before him, and three members of the staff, one of whom is a woman, was not what I had come to see. Yet I was in the town-hall, a policeman had shown me into the room, and the chairman had approved my note of introduction, which said nothing of commerce. I was nevertheless present at a sitting of the Children's Court in a large manufacturing town ; the directors were the magistrates and the secretary their clerk.

This soon became clear when a man, with his twelve-year-old daughter, appeared in order to obtain a licence for the child to go on the stage, and

¹ The Children Act, section 111., is responsible for the provision of Juvenile Courts. The " Court of Summary Jurisdiction " is directed to take the case of any juvenile under sixteen years of age either in a different building or room from that in which the court ordinarily sits or on a different time from the ordinary sittings. The court is not open to the public. Juveniles charged jointly with adults are tried in the adult court.

when a bright youngster followed them to receive his sentence for window smashing. There were not many cases, and the leisurely proceedings were soon over.

There is a satisfactory individuality about every Juvenile Court I have visited either in this country or abroad. The most informal I have met with was at Budapest, while the most formal was conducted by one of the metropolitan stipendiary magistrates and was, as it happened, the most efficient. It hardly seems of much importance whether the procedure is formal or informal—everything depends upon the spirit in which the magistrate takes the case.

In London the number of cases usually prevents the atmosphere of leisure which so often pervades the country court ; in some courts it is not only the atmosphere which is missing—the cases are hurried through too quickly. But this is exceptional, and the uncommon measure of patience which juvenile cases demand is usually to be met with. The difference between a Metropolitan Police Court and a Juvenile Court is chiefly to be noted in the newness of the interior and the small number of persons present. The latter quality is, however, not invariable, as some magistrates allow all the officers who are interested in particular cases to be in court for the other charges, and this liberty often results in an overcrowded court.

2. The Child.

But whether the court be crowded or not, the most unconcerned person present is frequently the

child whose case is being considered. I have often been present at the Central Criminal Court when adult prisoners are being tried, and have noted the apparent indifference with which child witnesses face the barrister or the judge; possibly it is his unusual dress which robs him of the power to inspire fear. The child does not understand much of what takes place; he answers the questions as they are put, not as they are in the mind of the questioner; he has usually a clear vision of what he has seen which cannot be blurred, even by those practised in the art of confusing witnesses. In the Juvenile Court, the ignorance of the child as to what is taking place is often only equalled by that of his parents—an ignorance which is sometimes the willing servant of indifference. But the complaint made against police court procedure that those concerned do not get the chance of “saying their say” cannot be upheld against the Juvenile Court. The magistrate usually allows the parents full liberty to break into the discussion when the spirit moves them.

It is undoubtedly important that any police court proceedings, whether juvenile or adult, should be made as little harmful to children necessarily present as possible. There is room for improvement in the accommodation provided both for witnesses and delinquents. Both may have to wait several hours in the precincts of the court. The rooms provided for the children and their attendants from the Remand Home are often not large enough. The provision for witnesses is a more serious problem. I have known “the ends of justice” defeated by

collaboration between witnesses during a long wait ; while there are many cases in which it is most desirable that the different parties should not be compelled to wait in each other's company.

3. The Magistrate.

The power of the magistrate is so extensive and the problems with which he has to deal are so varied that it is surprising there are not more complaints against police court procedure than there are.

Many people are not satisfied that the magistrate whose main work is with adults is the most suitable judge of the juvenile, and there is a demand for special magistrates for children's cases only. It is urged by those making the demand that many of the children charged are not criminal, and that the magistrate needs not only to know the law, but to understand the heart of the child, his environment and temptations, and the particular treatment which he may require. This sympathetic appreciation of the child's position is said to be unattainable by magistrates who have to spend the larger part of their time in fining drunkards, imprisoning prostitutes, and passing judgment generally upon the crude delinquencies of the adult. It is claimed also, and with occasional justification, that more consideration should be given to each case, that the magistrates should consult with people who know the child and attempt to arrive at a decision which is based more upon human understanding than upon legal formulæ.

In France, where there are both special magis-

trates and special courts, a claim is now being put forward¹ that all matters, both civil and criminal, in which children under eighteen are concerned should be brought to the Juvenile Court. This system was, I believe, only practised in Belgium and to a limited extent at the Tribunal de la Seine in Paris. It might often be an advantage, especially where parents are charged with neglect or cruelty or where men are charged with indecent assault, if the jurisdiction of the Juvenile Court were extended in this direction.

However, to extend the functions of the Court is not to specialize the magistracy. Are magistrates found to be unsympathetic or without sufficient discernment when dealing with children? Is not the same quality of mind equally to be desired in all matters of alleged or actual crime? It would, I think, be difficult to answer this first question in the affirmative; but, even were it otherwise, who is to decide, and on what grounds, which magistrate is specially constituted to undertake the juvenile work? Further, the experience gained in the adult court is of great value in the Juvenile Court; many of the children come from homes from which the parents have already been convicted of drunkenness or theft or graver crime. In both courts the main business of the magistrate is to get to know the truth from all sorts and conditions of persons, and to decide what punishment is best fitted to the criminal.

¹ *Revue des Tribunaux pour Enfants*, March, 1914: "La spécialisation des magistrats," Pierre de Casabianca.

The argument which finally disposes of the case for special magistrates is that children are frequently involved as witnesses in adult cases. This argument would be weakened if adult persons charged with offences against children were tried in the Juvenile Court; but were such an addition made to the functions of the Juvenile Court it would deprive that court of many of its present advantages, which would reduce the claim for special magistrates to an absurdity. The complaint that the same magistrate may not be present when a remanded case is heard a second or third time is a valid objection which should be remedied.

4. Evidence.

“The practice of the courts,” says Dr. James Devon, the medical officer of His Majesty’s prison at Glasgow, “has changed much more than the law during the last ten years, and there is a greater disposition on the part of the judges to seek information regarding those who are brought before them.”¹ This is equally true of the magistrates, though there is much variety in their methods. Some magistrates regularly discount the statement of official witnesses, the police, school and probation officers, and N.S.P.C.C. inspectors. In other courts these witnesses are regarded as almost infallible. Magistrates do not sufficiently appreciate that official evidence has frequently been obtained recently and at second hand. I have heard an officer relate the story of

¹ “The Criminal and the Community,” p. 164.

the family to the magistrate as though he had known the parents for years when he was merely retailing the statement of the mother whom he had met for the first time outside the court. There is hardly a sitting of any court which does not receive with profound attention an equally irresponsible statement. It ought not to be necessary to remind the authorities that "when all the proofs are dependent upon one, the number of proofs neither increase nor diminish the probability of the fact."¹

Generally speaking there is confusion in official minds between evidence and the statement of their own impressions—both important in the consideration of the case, but to be kept distinct. The unofficial witness is often little better, but he is generally there to relate his personal experiences and is not expected to know what he has not seen.

The kind of evidence which the law may require is often unknown, and in courts of summary jurisdiction "case law" is not argued. For example, one of the causes for which a child may be charged under the Children Act is that his parents are "unfit to have the care" of him "by reason of criminal or drunken habits."

Author : What is a criminal habit ?

Reader : To take alcohol to excess, to be a burglar, to be addicted to crime of any kind.

Author : How would you decide when a parent was addicted to crime ?

Reader : When he had been fined or imprisoned several times for the offence.

¹ Marquis Beccana, of Milan.

Author : How many times ?

Reader : I don't know ; I should say twice would be enough if his children were uncared for.

Author : Twice ! Well, and within what period ?

Reader : Oh, say a year.

Author : Well, and if that were to be the standard, which it isn't as yet, is it to apply to one parent or both ?

Reader (being unusually intelligent) : I should let that depend upon the condition of the children during a longish period.

Author : That is a good answer, for very often one parent might have graduated in crime while the other remained decent and kept the home together, but for how long ?

Reader : Let us go on with the book.

The above conversation will suggest the difficulties to be overcome. I took part in an inquiry in a criminal district of Paddington to see how far clause 58d, among others, in the Children Act, could be more effectively enforced. We were working officially for the London County Council and were supported in every possible way by the police and other officers, the clergy and church-workers and the Paddington Betterment Association. It is safe to say that we were concerned with some of the most neglected children in London ; we had records of their verminous condition, the police supplied records of many convictions, and yet the worst cases were found to have some redeeming feature which prevented us from taking action. Some of the evidence we collected was of use subsequently,

and children were removed from one or two brothels.

I bear this inquiry in mind whenever I listen to lectures by eugenists who talk glibly of criminally-minded and bad-living parents. Their statements in this respect cannot bear investigation.

In the majority of cases which I have heard tried before magistrates in Juvenile Courts there is not enough evidence produced to prove the case as suitable for industrial school treatment. The evidence may be there, and if it is it should be able to stand : the evidence may, however, not be there ; the officer may be retailing what is in fact no more than street gossip, and though street gossip may sometimes be very near the truth it is hardly admissible in this connection.

The knowledge of the previous history of the family and of the child is always essential, but it is particularly so in the cases of mentally deficient children. I know one case in which a lad who had just left a special school stole a pair of boots ; no inquiry was made of the school teacher, and the lad was sent to an ordinary reformatory, where he will receive little benefit and may corrupt other boys, when he should have been sent to Hildenborough or Jarrow.¹

I know one family in which the three children were found in a state of destitution and removed to an industrial school without their father, who was

¹ There is no certified reformatory for mentally deficient children unfortunately, and this case would have had to be paid for voluntarily.

working in London away from home, being informed at all. The court was told that the mother had sold up the home for drink, that the landlord had turned them out of their rooms, and that the family was living on the staircase. A true statement; but it omitted the important facts that the father was away, that he was a decent man usually able to prevent his wife from excessive drinking, that he had done all he could to obtain work near his home before going elsewhere, and that he had taken a flat and was about to send for his family.

On the individual case which comes before the magistrate, there could usually be found reputable neighbours who could give more reliable evidence than the officers upon the usual condition of the child's home, and whether or not a child should be separated from his parents depends absolutely on the condition of the home. Magistrates do in fact usually look upon the cases which come before them from this point of view, though frequently they seem to me to be satisfied with insufficient evidence. The divergence in the types of children received at the industrial schools, each of which serves a number of authorities, can only be accounted for by the different standard of investigation which prevails among those responsible for sending the children.

5. The Need for Women in Court.

As we have already seen, the number of girls who have to appear is small; on the other hand, their cases are frequently more serious. It should not be possible for the girl charged to be the only female

present in court. Besides, many of the cases of boys arise out of some parental trouble in which the mother is chiefly involved, and her point of view may not be adequately understood without sympathetic female interpretation. Women also are likely to understand the child's needs. For these reasons alone it would be well to make arrangements for women to be present, a regulation which is already met, in many instances, by the presence of the women probation officers, and it seems difficult to understand why there should not be women magistrates on the bench.

6. A Jury to assist the Stipendiary.

Though I hold that the Continental systems should not be copied, it might be well to give some consideration to the German plan in which the magistrate is assisted by two ordinary citizens picked out in the same manner as we select a jury and given somewhat similar functions.

They sit one on each side of the magistrate and are at liberty to ask questions of the witnesses. Before sentence is passed the magistrate retires with them into his room for consultation and returns with them to deliver judgment. I have not sufficient experience to be able to say what happens when one or both of the "jurors" are cantankerous and unnecessarily stupid, for they always arrived at the same conclusion as the magistrate in the cases which I witnessed. I think that normally there would be agreement; on the other hand, the proceedings are protracted, and an increase in the number of the

Juvenile Courts would be necessary if the system were adopted in this country. If it were found possible it would offer an opportunity for the regular presence of a woman in those courts, for though it is not so in Germany, one of the jurors should certainly be a woman.

7. Child's Advocate.

It is the practice on the Continent to see that every child appearing before the court is supported by an advocate. If adopted here this would again add to the delay in the proceedings and involve an increase in the number of courts. On the rare occasions when the defence is in the hands of a solicitor, my experience is that the child is usually discharged. I admit to a prejudice against the system, because whenever I have been anxious to secure the removal of a child to an industrial school and the parents have been able to employ legal aid the case has been lost. Nevertheless, I would commend this service to "poor man's lawyer" committees, interested barristers, and certain charitable societies. There are a number of cases which get through without sufficient consideration, and no charitable organisation interested in any child who has been charged should fail to obtain legal advice for him.

8. Conclusions.

I think we may attach too much importance to schemes of reform. Everything depends upon the man. I have seen the dingiest of police courts

transformed by the presence of the magistrate and become as suitable for the consideration of children's cases as the newest of Children's Courts with the most rigid of rules. The right man is more important than many regulations.

I agree with Mr. Russell, who recommends "that on certain allowed days all first offenders up to twenty-one shall be dealt with privately by magistrates specially interested in juvenile adults."¹

Beyond this, I think that some women should always be present in court, and if possible with consultative functions; also that greater care should be taken to provide suitable accommodation for witnesses and children who are waiting their turn.

I do not support the demand for special magistrates. I think there is need to have more courts and for the magistrate to rely less upon official evidence. How far it is possible to allow for a preliminary inquiry and consideration of the case by the probation officer I discuss in a later chapter.

¹ "The Making of the Criminal," Chapter VI.; also see p. 132, where this point is discussed.

CHAPTER VI

THE SENTENCE¹

1. Leniency. 2. Probation. 3. Fines. 4. Reformatory and Industrial Schools. 5. Whipping. 6. Adoption by Guardians. 7. Remand. 8. Care of Fit Person. 9. Prison or Borstal. 10. Short Sentences. 11. Conclusion.

1. Leniency.

PEOPLE who put cleanliness before godliness and cubic air space in front of fatherly affection do not appear to mind how many children not belonging to them are removed from their parents, and they are dissatisfied with what they term the sentimental leniency of the magistrate. However, it is not lightly to be decided that parents are unfit to take care of their own children or that institutional life is better than even an indifferent home.² Probably magistrates err too much on the institutional side, for out of 5,701 applications made for the committal of children to industrial schools orders were made in no less than 4,791 cases.³ Of these 1,754 were sent

¹ The list of courses open to the magistrate is to be found summarised in section 107 of the Children Act; these will be briefly explained in this chapter, together with the use of a long remand and the power of the guardians as to adoption.

² A point made by Mr. Pelham, "The Training of a Working Boy."

³ Criminal Statistics, 1912, Table XIV., Part II.

to short-term or day industrial schools and 3,008 to long-term schools.¹

It is, however, exceedingly difficult to understand the significance of figures quoted in the Criminal Statistics, especially in regard to juveniles. Children "charged with offences" are given the prominent position, for they may be legitimately classed as criminals, but those coming under the Children Act, s. 58, for begging, wandering, and being generally under improper guardianship are "*quasi*-criminals" receiving scant attention in the returns.

The record of children who are found by the officers of the London County Council or are otherwise referred to the Council as coming under the Children Act, 1908, and the Education Act, 1876, will show at least that the magistrates are lenient in the county of London. Returns² are shown of 3,524 children, out of which number only 1,525 were in any way punished:—

CASES WITHIN KNOWLEDGE OF LONDON COUNTY COUNCIL, 1912.

(a) *Not settled at time of report*, 147.³

(b) *Punished*, 1,525 (1,179 sent to long-term industrial schools and reformatories; 92 birched; 139 fined; 115 sent to short-term or day industrial schools).

(c) *Not punished*, 1,852 (977 discharged; 575

¹ Criminal Statistics, 1912, Table XLV.

² London County Council Report, 1912, Chapter XLI., pp. viii.—xii., I have combined the Industrial with the Reformatory cases.

³ Includes 27 "truant" cases, in 12 of which it was decided to take no further action.

parents bound over ; 104 children bound over ; 144 probation ; 41 sent to workhouse or referred to guardians ; 11 " disposed of in other ways ").

Total ((a), (b), and (c)), 3,524.

The Criminal Statistics show that the child guilty of a technical or other offence is leniently treated : 15 per cent. are acquitted ¹ ; while 42 per cent. are dismissed, in spite of the charge against the child being proved. This does not allow a big margin for punishment ; 30 per cent. are fined, some 5 per cent. are whipped, and nearly 7 per cent. are sent to reformatories and industrial schools ; imprisonment, confinement in places of detention, committal to the care of a relative, &c., account for the few remaining.

The magistrate is in a difficult position. It is not easy for him to ascertain how much leniency has been already exercised before the child is brought before him. The officers will neither apprehend a child necessarily for a first offence nor attempt to remove him from parents who have only a short record of evil. The magistrates should always be made acquainted with previous efforts of reform on the case before them, even when those efforts have simply been confined to the avoidance of official action. Several witnesses before the Departmental Committee ² in 1913 suggested that probation was

¹ These and other figures given in this chapter, except where it is stated otherwise, are based on the returns for the two years, 1911 and 1912, and refer to England and Wales only. Note also that the number of cases not dealt with summarily is so small that I have not included the returns from quarter sessions and courts of assize.

² See evidence of Mr. Oxley and Miss Goulding.

being tried too freely and that in consequence the schools were being supplied with older children who were more acquainted with crime. It is a point which shows the importance of accurate and adequate information being supplied to the magistrates on each case.

I cannot remind the reader too often that the nature of the *recorded* offence has, in juvenile cases, no necessary relation to the sentence passed. The magistrate must take each case on its merits, and without being present in court, it is not possible to decide that the decision arrived at is either too lenient or over severe.

2. Probation.¹

The power to place children, or any other person, on probation dates from the passing of the Probation of Offenders Act in 1907; it is the fate of about 11 per cent. of the cases proceeded against in the Juvenile Courts. The table on the next page, in which I have separated the metropolitan figures from those of the rest of England, shows the number of probation orders made without conviction by courts of summary jurisdiction; the comparatively few orders made *after* conviction by courts of assize and quarter sessions are omitted.

The increasing lead taken by magistrates in the metropolitan area in ordering the probation of juvenile offenders is to be noted, but it is more re-

¹ The figures given under this heading deal only with the offending juvenile: 90 adults were put on probation in 1912 for cruelty to children.

markable that they are responsible for 27 per cent. of the probation of juvenile adults (sixteen to twenty-one) in the last two years.

The probation order is made for a term not exceeding three years, and the offender is discharged con-

PROBATION ORDERS MADE WITHOUT CONVICTION BY
COURTS OF SUMMARY JURISDICTION.¹

—	Children under 16 proceeded against.		Probation Orders made.		Percentage of Total Number of Juveniles proceeded against.		Juvenile Adults (16—21).	
	1911	1912	1911	1912	1911	1912	1911	1912
Metropolitan area ² .	3,458	3,755	452	676	13	17	727	841
Rest of England .	29,519	34,396	3,132	3,984	10·6	11·5	1,967	2,188
Totals .	32,977	38,351	3,584	4,660	10·8	12·1	2,694	3,029

ditionally on his "entering into a recognisance to be of good behaviour and to appear for sentence when called on at any time during such period."³

The term of the probation order may be ended, extended to three years, or reduced upon the application of the probation officer, unless the probationer can show cause to the contrary.⁴

¹ Criminal Statistics, Table XVIII. (1911 and 1912).

² Report of Commissioner of Police for Metropolis.

³ Probation of Offenders Act, 1907, s. 2.

⁴ Criminal Justice Administration Act, 1914, s. 9.

As only 6 per cent. of the persons against whom probation orders were made were called up for sentence during the same year, of whom about one-fourth were discharged, it might be argued that the system was even in these early days working well. But I doubt whether we have arrived at the time for conclusions. I am not satisfied with the large proportion of dismissals, nor with the leniency of the sentence of those punished on a second appearance before the court; if the probation is to mean anything it must be supported by vigorous action when the probationer does not keep to his contract. Mr. Cecil Leeson¹ states that "in some courts any further offence, no matter how trivial, revives the original charge and leads to the probationer's punishment for it," so that it is evident that the probation officer must be in a position to advise the magistrate on the nature of the second offence.

3. Fines.

The imposition of fines is an important weapon in the hands of the magistrates which they use freely; about 30 per cent. of the cases which come before them are thus disposed of—that is, over 75 per cent. of the number convicted. Of these, in 14 per cent. of the cases the fine was ordered to be paid by the parent or guardian. The offences for which fines are imposed are chiefly against the bye-laws, for malicious damage, and for gaming; the offenders are for the most part lads who have left school,

¹ "The Probation System," King, 1914.

many of whom are able to afford the small sum which is demanded of them.

On the other hand, during the past year no less than 768 lads went to prison in default of paying a fine of 10s. or less,¹ while there were 651 male prisoners, aged sixteen to twenty-one, received into metropolitan prisons during the same period who were committed in default of payment of a fine; of this number 32 per cent. paid their fine after reception in prison! The figures for provincial prisons are 19·3 per cent. out of a total of 2,254. The Criminal Justice Administration Act, ss. 1, 2, and 3, will be a considerable relief to such offenders, for it enables the magistrates—(1) to extend the time allowed for the payment to not less than seven days; (2) to appoint a supervisor until the money is paid, whose report, in cases of delay, must be heard before the offender is committed to prison; (3) to reduce the sentence of imprisonment of defaulters if part of the fine is paid.

The fine is a useful punishment when it is a fine and not a make-believe alternative to imprisonment; but the "crimes" for which it is supposed to be the corrective are often those which are due more to natural mischievousness than to criminal tendency. I doubt whether any one would be seriously hurt if the majority of cases now fined were to be dismissed! Discrimination is needed; though a fine apparently "fits the crime" of gambling, it may merely add to the value of the stakes.

¹ Report of the Commissioners of Prisons, 1914, p. 14.

4. Reformatory and Industrial Schools.

A child is sent to an industrial school "*without conviction*," though he is often as much convicted as the lad sent to a reformatory, and, as the record of conviction is liable to prejudice boys and girls in later life, the sooner this distinction between reformatory and industrial schools ends the better.¹ A child between twelve and sixteen² who has been convicted of an offence may be committed to a reformatory for from three to five years provided that he is not beyond the age of nineteen, but in any case he remains under the supervision of the managers until he is nineteen.³ A child under fourteen may be sent to industrial schools up to the age of sixteen, after which time he remains on "*licence*"⁴ under the supervision of the managers of the school until he is eighteen—a provision which does not apply if he has been committed for truancy under the Education Acts.⁵

In 1912 3,008 children⁶ were sent to "*long-term*" industrial schools, of whom 364 were under eight years of age, and 1,300⁷ children were sent to reformatories. In addition 228 were sent at the desire of their parents who found them uncontrollable,⁸ while 1,754 children⁶ were sent either to "*short-term*" or day industrial schools.

¹ See Report of Departmental Committee on Reformatory and Industrial Schools, p. 44.

² See par. (i), p. 34.

³ See p. 101.

⁴ Children Act, s. 67.

⁵ *Ibid.*, s. 68 (2).

⁶ Criminal Statistics, Table XLV.

⁷ *Ibid.*, Table XLIV.

⁸ Children Act, s. 58 (4).

It is obvious that children sent to these schools are virtually being treated in the same manner as older young persons committed to a Borstal institution. They are removed from the control of their parents and placed under that of a superintendent and committee, and it is hoped they will be trained either to avoid the sins of their parents or to overcome their own failings. As the probation system develops there should be a decrease in the number of children sent to these institutions, for it is not unreasonable to ask that probation should be tried in the majority of cases which appear in court for the first time.

The magistrate must always remand cases while the education authority finds a school willing to accept the child ; he can disregard the recommendation and choose a different school, but seldom does so. Children are despatched to these schools without sufficient information being supplied to the superintendent. As I have pointed out, the nominal charge, which is quoted on the form supplied to the industrial school, is not always the real cause for action ; it is not fair to those who are forced to take the place of the parent to be supplied with any but the fullest information.

The provision for children who are morally, mentally, or physically defective is increasing. There is one school for the physically and seven schools for the mentally defective, two for the deaf, and others for epileptic children ; and in the case of girls there is provision for the perverted morally.¹

¹ For list of these schools see Appendix E.

The parents of the children committed to industrial and reformatory schools are supposed, if able to do so, to contribute¹ to the cost of maintenance—a matter which is always emphasised by Royal Commissions and Departmental Committees, but which is, in practice, not rigorously enforced. These payments are collected by the Home Office: in three centres there are special agents—*e.g.*, in London there are seven officers to visit the parents and look up defaulters, but they do not collect the money, which has to be paid at court; in other districts the police act for the Chief Inspector of Reformatories, who is the officer selected to supervise this work. The average rate of order made on London parents is about 1s. 4d. and in Liverpool 1s. 1d.; less than half the cases are assessed, and of these the majority are eventually remitted. However, in 1911, 1,251 persons were imprisoned for failure to pay the rate. The total amount of the parents' contribution is about 5 per cent.² of the income of the school.

5. Whipping, Confinement in Places of Detention.

The number of children "charged" who were ordered to be whipped was 1,579 in 1911 and 1,983 in 1912, or about 5 per cent.³ of the children proceeded against.

The number of children committed to places of detention under sentence, half of whom are so com-

¹ Children Act, s. 75.

² See Mr. Legges' evidence before Departmental Committee, 1913, p. 288.

³ An increase of over 1 per cent. in 1912 over 1911.

mitted in default of payment of fines, was 103 in 1911 and 164 in 1912.¹ These figures do not represent the number of children who suffered the penalty of detention and were subsequently discharged.

Magistrates are less disposed to order whipping than they were, and, though nothing is more harmful than a free use of the birch, it is undoubtedly a beneficial punishment when employed with discrimination. It is soon over, it is not a public performance, the father can be present if he desires, and it is a sentence which, with that of the fine, could often be followed up helpfully with probationary supervision. No person can be whipped more than once for the same offence.²

6. Adoption by the Guardians.

It is not often that a case is discharged because the guardians have intimated that they will adopt the child—such a course is seldom necessary; but there are a few cases, and there might be more. The guardians' power to adopt is vested in them under the Poor Law Act of 1899; it is exercised in cases where the child has been deserted by his parents or the parents are in prison, or in other ways have shown themselves unfit to have control of the child. The child may be committed to the guardians as "fit persons"³—in which case he is subject to them only until he is sixteen years old—or he may be discharged; the child, having no fit home to go to is then taken to the workhouse, comes under the

¹ Criminal Statistics, p. 156 (both years).

² Criminal Justice Administration Act, s. 36.

³ Children Act, s. 21

care of the guardians and is eligible for adoption, under the Act, until the age of eighteen. The latter procedure is to be commended if the children are not suitable for industrial training and need special attention for physical or mental defects. A reader who is anxious to help a case and cannot obtain the co-operation of the education authority may find helpful allies in the guardians. This arrangement does not interfere with the power of the guardians to take proceedings for the removal of a child to an industrial school.¹

7. Remand.

This is a power which, though not specifically set out as a course of action in section 107 of the Children Act, can be exercised as an alternative to probation. In one instance known to me the magistrate remanded an offender for five months upon his promise of amendment ; during this time the youth was able to acquire the habit of right living. The advantage of this procedure is that the offender has to appear in court again at a definite time to report himself to the magistrate. In certain cases it is more effective than probation, as it avoids the official intervention of a third party, and does not injure a sensitive self-respect which even juvenile offenders sometimes possess.

8. Committal to the Care of a Fit Person, Relative,² etc.

This is a form of treatment which is hardly ever practised, partly because if a child comes from a

¹ Children Act, ss. 58 (5) and 74 (11).

² *Ibid.*, s 21

bad home the relatives are not usually prosperous enough to undertake the charge of another child, and partly because efforts are not made to ascertain whether there is any one willing to accept the responsibility. It should be more recognised as an alternative to the certified school and, in certain cases, as a means of enlisting the assistance of the poor law guardians.

I once had to do with a child of thirteen who had been seduced by her brother-in-law, almost certainly with the knowledge of her parents ; she was pregnant. It was obviously impossible to send her to an industrial school and she was committed¹ to the care of the matron of a rescue home. Had the child been five days older—that is, fourteen—nothing could have been done officially to take her from her home. There are other cases which would receive better treatment at the hands of a small voluntary institution, while it is safe to say that if any reputable person offered to take charge of children who, through no fault of their own, had come to the Children's Court the magistrates would be willing to vest him with the parental powers at their disposal.

9. Prison or Borstal.

In the Report of the Prison Commissioners for 1907 they point out that the number of juveniles committed to prison and recorded in their reports

¹ Under Children Act, s. 58 (1) (g). There is no grant from the Treasury for cases taken under this part of the section, and the local authority cannot contribute to the cost.

was less than half the number so dealt with in 1897. Four children under twelve were sent to prison as compared with 58 in 1897, 724 between twelve and sixteen as compared with 1,630 in 1897. Since then the Children Act, 1908, has made it impossible for any child under fourteen to be sent to prison, while it only allows the very insubordinate under sixteen to go because there is no other place for them. In 1912 37 qualified for this treatment.¹ A Borstal institution is not available, as it is designed solely for juvenile adults between sixteen and twenty-one.²

When an offender (sixteen to twenty-one) liable to not less than one month's imprisonment has previously been convicted or put on probation, and it appears to the court that he should receive instruction and discipline, he may be committed to a Borstal institution for not less than two nor more than three years. Afterwards he remains under the supervision of the Prison Commissioners for one year, and if he should offend during that time he may be recalled for a further detention of twelve months.³

Mr. Russell⁴ describes the Borstal method as recognising "that the offender is rather a patient to be cured than an evil-doer to be punished." These institutions are, in effect, reformatory schools for the juvenile-adult offenders where they "may be given such industrial training and other instruction and be subjected to such disciplinary and moral

¹ See Appendix B.

² Prevention of Crimes Act, 1908, s. 1.

³ Criminal Justice Administration Act, ss. 10 and 11.

⁴ "Young Gaol Birds," p. 216. Mr. Russell is now Chief Inspector of Reformatory and Industrial Schools.

influence as will conduce to their reformation and the prevention of crime.”¹ There are at present four Borstal institutions, one of which, at Aylesbury, is for females. In 1912 531 persons, an increase of 16 over 1911, were sentenced to this treatment; of these 439 had previously been convicted—93 of them as many as four times over.² When it is remembered that during the same period nearly 9,000 persons between sixteen and twenty-one years of age were convicted,³ it is clear that there is opportunity to extend the system. On the other hand, at Dartmoor and other prisons the Borstal principle is being practised as far as circumstances will allow.

10. Short Sentences.

The argument against the indeterminate sentence is unanswerable; no man should have power to restrain another for an indefinite period except under the Lunacy Laws. Again, no young person should be taken away from his home except his liberty be a danger to the public or his parents have ceased to have the power to control him. Unhappily requirements of this kind have to be met; there is a necessity for the detention of the young, and then it is absurd to serve a sentence which is too short for the treatment decided upon to be of value. What is required is the use of a maximum length of punishment with Elmira tests for earlier liberation. There is

¹ Prevention of Crimes Act, s. 1 (1).

² Criminal Statistics, Table XLIII., 1912.

³ *Ibid.*, Table XXXVII., col. 4, a number which excludes young persons (if any) in convict prisons.

nothing new to be said against the short sentence. The school treatment provided for children under sixteen is almost entirely based upon the long-term theory of correction ; it is indeed meant to correct rather than to punish.

The practice of some magistrates in committing a child two or three times to a short-term industrial school cannot be justified ; it is not only repeating a form of correction which has been found ineffective, but handicapping the child in his subsequent treatment at the long-term school which will almost inevitably be his fate.

11. Conclusion.

The aim of this chapter has been to state the sentences which may be passed upon the child or young person appearing before the magistrate. It will be obvious to the reader that I am among those who wish for the postponement of positive punishment to the last moment. In all cases which appear in court for the first time, unless they are serious offences such as criminal or indecent assault and the record of the parents is demonstrably very bad, I advocate extensive use of the power to remand and an extended use of probation. Effective fines and whippings should be tried more often before deciding that the child or youth should be separated from his parents.

CHAPTER VII

INSTITUTIONS

1. Certified Schools. 2. Classification. 3. In School.
4. The Equipment of the Boy on Discharge.
5. Day Industrial and Short-Term Truant Schools.
6. Borstal. 7. The Little Commonwealth. 8. Institutional Treatment. 9. Boarding Out.

1. Certified Schools.¹

THE distinction between the two types of school, Reformatory and Industrial, was much clearer fifty years ago than it is to-day. The reformatories then were virtually asylums for the reception of juvenile criminals or the children of criminals, for the Crown pardoned certain juvenile offenders on condition that they were placed in a reformatory, while the industrial schools were for the training of young vagrants. Both kinds of school were started by voluntary effort and are still, for the most part, under voluntary management, though certain local education authorities have opened industrial schools of their own under a power conferred by the Elementary Education Act of 1870.²

¹ For the history of these schools see Report of Departmental Committee, 1896, and Report of Royal Commissioners, 1884.

² See also Children Act, s. 74 (8).

In England and Wales there are 43 reformatories and 150 industrial schools containing over 20,000 children and young persons, also 10 short-term industrial schools and 18 day industrial schools.¹

These schools were first recognised by the State in 1854 and still receive grants from the Treasury, which, with the payments from local authorities for the children sent to them, constitute their main income. Charitable subscriptions supply 7 per cent. of the industrial and 2·2 per cent. of the reformatory schools expenditure. The parents' contribution² is included in the Treasury grant.

The control of the schools³ while under local voluntary management is supervised from the Home Office by a Chief Inspector and eight assistants; as well as from local education authorities, for industrial schools, either by separate official inspection or by visits from members of the committees.

The aim of the schools is, by industrial and educational training, to free the children of the handicap with which their lives have begun. "It is to be expected that institutions managed by separate bodies of independent managers should develop in different ways. Variety of method in the treatment of the problems to be solved is one of the advantages of a voluntary system."⁴ This variety in the method as in the quality of the work of the

¹ See Report of Chief Inspector of Reformatories and Industrial Schools for 1913.

² See p. 70.

³ I refer to the greater number which have been certified as suitable for the reception of children by the Secretary of State and receive grants from the Treasury.

⁴ Report of Departmental Committee, 1913.

schools would need to be considered at length were my purpose to criticise the conduct of these institutions ; lack of space and lack of experience alike preclude me from entering into that field. We who are outside any controversies which may exist between central and local authorities, the Home Office and the Board of Education, the managers and the superintendent, the inspector and the inspected, have to judge entirely by the product of the school, and, in spite of occasional exceptions, it is fair to say that we find the boys and girls who have passed through the schools to be intelligent, capable, and honourable folk.

A doctor would have much to say about the schools for the mentally deficient. I will merely venture the opinion that such schools should never be for more than 50 children—there is one for 700—and that they should not become asylums for adults, for this happens if children are retained in the institutions beyond school age. The problem of placing mentally deficient children may be insoluble to the school managers, but it must not handicap them in repairing the deficiencies of scholars.

2. Classification.

When one sits in a Juvenile Court and hears first one and then another dispatched to different schools, one wonders whether it is because the schools have been selected for the special needs of the individual children, or whether the schools are so full that the children have to be put in any vacancy which exists. We hear a school attendance

officer recommend a certain school on behalf of the local authority, and we cannot quite understand why the magistrate, who has heard the details of the case and has the final responsibility of commitment, has not taken part in the consideration of the type of school to which the child is to go. We are a little surprised, not having read this book, to discover that the classification of schools is only possible to a limited extent. Children under eight can be "boarded out," but few are so treated.¹ We gather that there are separate schools for boys and girls; that children committed to reformatories are normally older than those sent to industrial schools; that there are schools for deficient children; and that there are training ships for boys. We see no distinction made between the child who is at fault and the child who is before the court because of the sins of his parents. We are inclined to insist that this distinction should be made and considered of first importance.

3. In School.

Then, if we follow the child to his school, we are amazed to find that the superintendent has but the barest statement of the cause for which the lad is sent; especially when we know that in America the school is actually represented at the Juvenile Court at the time of the trial. When it is remembered that the ostensible reason for conviction,

¹ The London County Council has established two special schools for these infants.

which is the only fact communicated to the school, is often ¹ not the actual reason for the child's commitment, this lack of information is to be deplored. Some superintendents proceed to make their own inquiries, and the schools supporting the Certified Schools Agency secure a report of the child's home by that means. A single report of this kind must be inadequate enough as a report, but the demand for it is sufficiently indicative of the plight of the superintendents. Though the child has been medically examined on behalf of the local authority before he is sent to school, he is again examined upon, or soon after, his arrival by the school doctor; perhaps in this case the overlapping is unavoidable.

But from that point onwards our amazement is of another kind. We go, two or three times a year perhaps, to visit the particular boy in whom we are interested, and we see him filling out both mentally and physically. We enjoy the cleanliness of the country school and the freedom as well as the orderliness of its inmates. A boy meets us at the station, we pass others going errands into the town, and we wonder at the capacity for liberty shown by the young thief now entrusted with the duties of a factor. If we are men, and therefore open to the assault of sentiment, we shall feel school prayers to be the most religious opportunity we have experienced; while the school band will straighten the back of the most bent.

As we move about the building and class-rooms, the tailor's shop, the laundry, or the bootmaker's

¹ Some local authorities supply all the information to the superintendents; it is difficult to see why the practice is not general.

room, we may be struck with the ages of the staff and feel that younger men would bring up the standard of the games ; and if we are in a girls' school we may consider that cubicles would encourage the sense of modesty better than the long open dormitory, and we may see many makeshift arrangements which a longer purse would remedy. We feel, too, that a fortnight's holiday in the year, which is, alas ! not allowed in every school, is too short, especially as it is dependent upon good conduct and, where there is not a school camp, on the possibility of relations and friends being fitted to receive the child. Those who run camps might see whether they could not link up with one of these schools and organise a holiday, not with their own lads, but in an " off " season.

4. The Equipment of the Boy on Discharge.

At length comes the time when the boy is ready to leave the school on licence ; we are consulted, having been a regular visitor to the school,¹ as to the trade he shall follow. It is a time not only of testing for the boy, but for those who are in any way responsible for his presence in the school. What have they to show at the home end ? Are the parents more fitted to receive their child ? Has the boy kept in touch with his home and the home with him ? What do the parents want their child to be ?

¹ It will be seen later that I suggest the linking up of the school with those who are locally interested in the boy's family, so that this consultation should not be confined to the few persons who have the time to visit a child in school.

We compare the child with the lads we know in the town who have been educated at the ordinary elementary schools. We see at once that he is more disciplined in certain directions if less self-reliant in others, but we feel that he is better educated. It is difficult to judge whether or not a lad is self-reliant, though it is easy to state that the industrial school boy lacks the quality if it fits in with our theories.

What is the reason that a lad from a residential certified school appears to be better equipped, shall we say, than the fellows of a similar class who have remained in normal home surroundings? It is partly that he is older when he leaves school and partly because he has been taught by people actually doing work: a bootmaker teaches bootmaking as the boys make their own boots; the cook teaches the cooking as they prepare their own dinners; the washerwoman teaches laundry as they wash their own clothes (this applies, I fear, only to girls). The industrial school child has the enormous advantage of education in and with things; there is, could we but understand the mystery, more education possible in the making of a pair of boots for human feet and in learning to master an instrument, whether it be of music or of toil, than in all the mental tread-mills of the schools.

“ At some farm schools the boys learn much about cattle, dairy work and crops; at certain schools practical instruction is given in French gardening and intensive culture. One school has a forge where agricultural implements are made and repaired. Some nautical schools give an admirable training in modern seamanship

and signalling, to which one or two schools add wireless telegraphy.”¹

The list of other trades is long ; even if it were shorter, and the carpenter, bootmaker, tailor, and bandmaster dominated the situation completely, the schools would still justify their existence. There was a darker side to the picture. Some schools had to depend too much on the output of the children for actual income ; wood-chopping and paper-bag making were practised in certain schools, but since the Report of the Departmental Committee this has practically ceased.²

The general custom is to devote half the school time to educational and half to industrial training—a trifle generous to the theoretical side of education ; but there is fortunately no immediate prospect of these schools being turned into academies for the training of clerks.

I must not be understood to support industrial training for the reason that it will enable a boy to take his place as an efficient unit in our industrial machinery. The idea that a boy is taught boot-making in order that he may be a bootmaker, or the farm boy be considered as bound to follow the plough, is based on the utilitarian standard of education, and it should not be introduced as a test of successful training in the schools. Education is primarily designed to train a child to master his life, so that he has purpose and resource and can make use of

¹ Report of Departmental Committee, 1913, p. 34.

² Report of Chief Inspector of Reformatories and Industrial Schools for 1913.

the capacities within him. To begin to understand the mysteries of seed-time and harvest is not only an opportunity which does not occur in an ordinary elementary school, but an introduction to any form of life, if it be life which he chooses, the boy may strive to follow.

5. Day Industrial and Short-Term Truant Schools.

The "short-term" sentence was originally designed to remove a child from the home of careless rather than criminal parents, to whom their child would be returned as soon as their home showed evidence of improvement.

Children who were committed to an industrial school for this reason or under the Education Act—*i.e.*, for a short term of detention as a punishment for playing truant—were not welcomed by the ordinary industrial schools, for the good reason that the residence of a "temporary" inmate might disturb the peace of a whole school without being of any advantage to the child. Certain educational authorities have been forced to make up the deficiency by running their own schools for short-term cases, and it occasionally happens that, for economical reasons, an authority arranges for one school to receive both short-term and long-term cases. Such arrangement, save for temporary convenience, cannot be commended and does not succeed. The requirements of a short-term are entirely different from those of a long-term case, and to mix the two is to put an unwarrantable handicap on the superintendent and his wards. Now truancy has practically ceased and

the original use of the schools is forgotten, there is no longer any reason why short-term schools should continue.

We have already noticed that the day industrial schools, as normally used, serve as another form of poor relief; but they may be a benefit to parents with refractory children, or, indeed, on a paying basis for parents who, owing to some bereavement or other misfortune, find it hard to provide suitably for their children during the day. The children are detained at the school from 8 in the morning to 6 at night, and are exempt at the age of fourteen. Except in London, it is not found difficult to secure enough children to warrant the continuance of these schools.

6. Borstal.

The Prison Commissioners began the Borstal experiment over ten years ago, but before 1909 few young offenders received other than ordinary prison treatment. The Borstal institutions were founded in that year after the passing of the Prevention of Crimes Act, 1908. As already noted, the system is for prisoners under twenty-one who are likely to profit by the instruction and discipline provided.

On his arrival at the institution a boy is placed in the ordinary grade and put to domestic work. After some weeks of scrubbing and cleaning he is allotted to one of the workshops in which manual training is given, or is sent to work on the farm or on the construction of new buildings. He spends the greater

part of his day at work, though certain hours are allotted to gymnastics and the schoolroom.

"By steady good behaviour for about nine months he can secure promotion to the special grade. He then works without the immediate supervision of an officer, associates with fellow-members of the grade at meals and in evening recreation, and, on Saturdays, is taught to play cricket and football, so that he may have material for healthy thought and conversation and an introduction into decent companionship on his release.

"For misbehaviour he may be degraded to the penal grade, where he is put to stone-breaking or other dull work, and loses all privileges of diet and correspondence, and is fed on the bread and water of affliction.

"It is easy to outline the life at a Borstal institution, but a large book could not contain a full account of the difficulties which confront those who have to attempt the physical and moral reconstruction of boys whose souls have become dingy, muscles slack, and outlook on life blurred.

"Their first aim must undoubtedly be to alter the boy's view of life. Only by the most careful selection of staff can the influence of the institution be kept at that high level which is necessary for the purpose. Next in importance is the formation of a habit of hard work. Unless a boy is taught to work at Borstal for the same number of hours daily as he will have to work when, often for the first time, he becomes a working man on his release, the time and money spent on his training may be entirely thrown away."

7. The Little Commonwealth.

We have been considering what may soon be looked upon as old-fashioned institutions; they are being challenged by an off-shoot of that great experiment in America, the George Junior Republic. Mr. Homer Lane is developing his American ex-

perience in the Little Commonwealth in Dorset, of which he is superintendent. His executive committee consists of Mr. Cecil Chapman, the stipendiary magistrate of Tower Bridge Police Court, and Mr. and Mrs. George Montagu,¹ who act as chairman and hon. secretary. The system of the Little Commonwealth and the Junior Republics in America is based upon the belief that "the child under natural conditions tends towards what is right and not towards what is bad." The beauty and courage of the belief is shown in its application to children whom others have failed to assist, those who have qualified for institutional treatment. While the majority of superintendents of industrial schools would be prepared to subscribe to this belief, and in no small measure conduct their schools in accord with it, Mr. Lane allows none of the accepted standards of discipline to stand in the way of his faith in the nature of a child. He sweeps away the restraint of superior force, so that the boys and girls may develop restraint from within themselves, maintain order, and do the work necessary for their livelihood as though they were actually and solely in possession of the land and buildings in which they live. "Such freedom implies the privilege to go wrong as well as right," and Mr. Lane would be the last to claim credit for the fact that the public sentiment in his colony prefers the right.

"The first residents were girls, and for the first three weeks, before the advent of the boys, the community

¹ Mr. George Montagu, 8, Portman Square, London, is willing to supply a report on the work of the Commonwealth on the receipt of four penny stamps.

was entirely self-governing. No rules were enforced, because none were needed ; but so little expression of choice was evinced that at the first meal three of the four girls, when asked if they would have white or brown bread, replied, ' It doesn't matter.' It would be hard to find an instance now where such an expression would be used. When the first boys arrived it was soon evident that the peace and harmony of the household was broken, and it then became necessary to develop some form of government. The first legislation came about in a very natural way. It had been noticed that the boys did not appreciate the separate rooms which had been provided for them, but that, owing to the contrast between the crowded bedrooms and the noise of traffic of the city life to which they had been accustomed and the oppressive silence of the country, which made them feel lonesome, they preferred to crowd together for company. Thus there was plenty of opportunity for legislation on matters relating to hygiene. The first formal meeting of the Commonwealth was called by the superintendent, and it was suggested that since new cottages were being built, and the expense of these cottages so much greater owing to their being fitted with separate rooms, much needless expense might be saved by providing them with big dormitories instead. This was greeted by cries of discontent, and disorder and confusion supervened. The power of oratory became almost deafening ; but, as order is always preceded by disorder, after some confusion, someone suggested that a ' boss ' of the meeting should be appointed—and it was promptly offered to the superintendent. This was refused ; and after some difficulty one of the boys was chosen, whose duty it was to keep everyone quiet, while one was allowed to speak at a time. It was rather pathetic that a number of boys and girls should, after being given freedom to organise themselves for discussion, choose, not a chairman, to give the privilege of the floor to a speaker, but a policeman to keep order. This, however, soon adjusted itself. After that the meeting proceeded smoothly, and some excellent rules relating to the

hygiene of rest were enacted. But soon a new difficulty arose. Since much of the time of these legislative meetings was spent in discussing violations of the rules which had been made, this resulted, very naturally, in the organising of a judicial department of government. Up to the time that this judicial body became separated from the legislative body, infractions of law were discussed openly and helpfully, but as soon as it became called a 'court,' the attitude changed immediately. The first culprit who was called before the formal court flushed with indignation and lied all through the proceedings. When the judge called for witnesses they also lied : in fact their sense of injustice at the hands of the police and the courts in their former lives asserted itself through association with that form of administration. This attitude resulted in the resignation of the girl who had been elected as judge, and, for the time being, anarchy reigned ; it was not until one particular boy, who was the leader of all the mischief in the community, was elected judge that the ultimate triumph of law and order came about. As the ringleader of the mischief, it suggested itself to the citizens that he could not possibly be suspected of any inclination to be a wrong-doer : but it is interesting to note that as soon as the standards of citizenship reached a sufficiently high pitch for them to appreciate the fact that it was not seemly that their judge should continually be tried for offences and have to vacate the chair, he was impeached from his high office, and ultimately the same girl who had originally resigned because she felt that she was too lenient in dealing with the boy culprits was again elected to the position. Under her wise direction the Commonwealth court became a place for commendation, as well as criticism ; and compliments for good work carried out are continually to be heard there.

" Once a week the citizens meet at the legislative meeting. When complaints in court of the same kind become sufficiently frequent to suggest a ruling being made, the matter is then discussed. If the law is passed unanimously it becomes custom-law and is not written

down. A law is statute-made or written only when it has been opposed and a vote has had to be given. The legislative meeting is a great force educationally; recently an inquiry was held by the citizens into the question of helping the committee in their attempt to reduce expenditure, and very valuable were the contributions to the discussions, many points in domestic economy being reviewed. The upshot was that it was decided to dispense with one of the citizens for the housework, so that the amount of labour would be released for more profitable employment.

“ One of the most interesting laws that have been passed relates to smoking. Although most of the boys that have been admitted to the Little Commonwealth indulge more or less in the habit, and more than one have been confirmed smokers, a rule was introduced by the citizens themselves raising the legal age to eighteen years. An attempt to repeal this was made, but it was re-enacted a second time. In the first four or five months this rule was disobeyed occasionally. Latterly, however, it has been well kept.

“ The punishments inflicted by the court consist of placing citizens on close bounds in the courtyard and certain parts of the house, fines, extra hours of labour and early hours: and as a last resource for serious offences, such as running away, or continual disregard of the rules, ducking in a cold bath has been once or twice imposed; this has been of considerable efficacy. It is interesting that, whereas in the outside world the law is that ‘ if a man does not work neither shall he eat,’ the citizens, on the other hand, of the Little Commonwealth have never reduced a boy’s food if he had insufficient means to keep himself.

“ The citizens are paid in aluminium money for the work they do, at the rate of 3*d.* an hour. They pay for their board and lodging to their ‘ house mother,’ and have the remainder (which if a citizen works well may possibly amount to 4*s* or 5*s.* a week) to spend at the shop or to bank. They buy their own clothes and luxuries. If a citizen refuses to work, or works badly, he renders

himself liable to be dismissed by his employer, one of the adult helpers ; and it may be noticed that the punishment he feels the most is to be deprived of his work."

This extract from an account of what happens in the Commonwealth¹ is sufficient to excite a deep interest in its work. As the experiment is little more than a year old, we shall not for some time to come be able to judge of the result, but if we tremble at the boldness of those who put their faith to such a test—for those with any experience of the young will see some dangers ahead—we may pray for its success. If it is possible to give this freedom to the young, might not a similar chance be offered to the adult? Might not even Borstal treatment become antiquated in a revolution of our penal methods?

8. Institutional Treatment.

In spite of the often splendid advantages which a training under an institution may give to a boy or girl, I would not end this chapter without pointing out the disadvantages. The child is subject to constant supervision and often lacks sufficient opportunity for mischief. I know of private, if not public, schools for the children of another class where the atmosphere of restraint generated by the staff weighs down the spirit of the boys ; instead of developing in themselves the power of restraint, which is one of the most desirable elements in

¹ The Dorset Republic is not a certified school, though the young ruffians are usually received in it after the formalities of the police court. They are officially committed to its care, but the expenses of the institution have to be met voluntarily.

character, the boys rely upon the repression exercised by their masters. I have known the tone of a school to be called good when it is merely of this artificial creation and is really riddled with vice under a highly-developed practice of cunning.

The boarding school is, to my mind, an unfortunate necessity in any class of society, though where the homes are vicious, again in any class of society, the boarding school gives the child an opportunity to attain a standard of life which his parents have failed to grasp. In the families of those without a superfluity of wealth, no institution can provide the self-sacrifice which, will he nill he, the boy must exercise in his home. In a rough home the lad who has to protect his mother from the drunken assaults of his father, who has to assist in many household duties, who shares in the family fortunes in a way unknown in happier circles, develops a sense of chivalry which no institution can supply. The working-class family in which all the adult members go to work when they can, and walk the streets when they cannot, offers an extraordinarily wholesome training for the young. Any one with experience of families of this class knows how the ups and downs of the common exchequer are met; the plenty and the scarcity are shared by all equally, even though the women manage to help the men and the children first. "Stripped of all the cant sentiment that surrounds it, the value of life at home still remains for every boy a vast unanswerable fact."¹

An attempt to meet the institutional difficulty is

¹ "Across the Bridges," Alexander Paterson, p. 192.

made with some success in Hungary, where the children whom we send to industrial schools are boarded out in village communities, but it fails at the time the child is old enough to work, at thirteen, as no system of after-care or licensing exists.

9. Boarding Out.

The manager of an industrial school may,¹ with the consent of the Home Secretary, board out a child who is under eight years old, but this power is hardly ever exercised,² as it involves extra and difficult work to find suitable homes and to supervise the children in the homes afterwards. The London County Council has recently organised this work.³ In consenting to boarding out the Home Secretary requires—(a) a quarterly report from the managers, (b) that the child shall be visited once in every six weeks, and (c) that a doctor shall be appointed to attend the child when necessary.

“In practically all cases children who are boarded out are brought into a school at the age of ten.”⁴ If the managers have once taken the step it seems a little unreasonable not to see the experiment through. If the home is good for the child under ten it will be good for him until he is able to go to work, and will very often prove for him more than an officially provided sanctuary all his life. The

¹ Children Act, s. 53.

² Report of Departmental Committee, p. 45.

³ Report of the London County Council, 1912, Chapter XLI.

⁴ Report of Departmental Committee, p. 45. It is now being arranged that, where the doctor can report that it will be better for the child to remain with his foster-parents, transfer to the school need not be made.

reader will probably know cases of parental and filial relationship existing between the foster-parents and the child whom they have warded for the guardians ; and he will appreciate the importance of securing the same home life for others.

For the reasons already urged in favour of family as against industrial life, it would appear desirable that the system of boarding out should be considerably extended. The numbers dealt with since the passing of the Children Act are :—

1909	.	.	.	2 girls.	1 boy.
1910	.	.	.	1 girl.	6 boys.
1911	.	.	.	—	8 „
1912	.	.	.	33 girls.	18 „
1913	.	.	.	37 „	54 „ . ¹

The boarding-out committees which are approved by the Local Government Board, and often serve more than one board of guardians, might be encouraged to co-operate with the education authorities.²

The system should be used for delicate children of any age who cannot pass the doctor as fit for industrial training ; it could not be used for rough lads who need discipline. But in “ the system ” I include adequate supervision by a competent committee.

¹ Report of Chief Inspector for 1913.

² London would not necessarily be excluded, although no Poor Law children may be boarded out in the county of London and industrial school children can.

CHAPTER VIII

“ AFTER-CARE ”

1. Borstal After-Care. 2. Reformatory and Industrial Schools. 3. Licensing and Disposal. 4. Auxiliary Homes. 5. Emigration. 6. The Use of Voluntary Societies. 7. Public Authorities with “ After-Care ” Functions. 8. The Probation Officer. 9. Conclusion.

MANAGERS and superintendents of schools know that their work is proved, not in the orderliness of their schools nor in the scope of their curricula, but in the quality of life shown by their pupils after they have left their care. It follows that those responsible for the schools consider the “ disposal ” of the child an important duty ; they enlist the sympathy and interest of every person and every agency who can be relied upon to help in obtaining good employment and in watching over the youngster in his first years of liberty.

This country is considered to be behind others in the work of “ after-care ” partly because the probation system originated in America, the home also of George Junior Republics, and partly because the idea has not been received with the enthusiasm shown on the Continent.

But the profession of the ideal in a manual of instruction to magistrates is not its practice. The

success of the after-care work depends upon the personality of those taking part in it, not upon the regulations which are designed to govern them.

There are two groups of young persons for whom after-care provision has to be made — those who leave institutions, and those who escape them by the skin of their teeth. The sheltered and regulated life of an institution cannot be exchanged for the liberty of the town and the uncertain atmosphere of a workshop without severely testing the capacities of the boys or girls, and for these more provision and greater care are necessary than for those who have been watched over in the more natural environment of their homes. But in both cases a first necessity is to secure good and regular employment.

The Departmental Committee considered that " the careful arrangements for after-care made by the Borstal Association might be taken as a model for this work " ¹; and an account of these arrangements will be the best opening to our consideration of this part of our subject.

1. Borstal After-Care.

The Borstal Association undertakes the after-care of every boy and girl released from a Borstal institution. It is a voluntary organisation supported by both voluntary subscriptions and a grant from the Treasury. *The work of the Association begins with the offender's reception at a Borstal institution.* His home is then visited by a member of the Association,

¹ Report of Departmental Committee, 1913, p. 57; and see Mr. Cunliffe's evidence before that Committee in volume of evidence.

inquiries are made of probation officers, reformatory superintendents and others who may be able to throw light on his past career, and the information thus collected is placed at the disposal of the institution and entered in the boy's record at the office of the Association.

Members of the committee visit the institutions frequently and see any boy who wishes to discuss his future prospects. Notes of such interviews are added to his record, together with the results of consultations with the staff. Nearer the date of discharge, relations and possible employers are approached, proposals for the boy are completed and submitted to the Prison Commissioners, a complete outfit of clothes is dispatched to the institution, and the associate in the district to which he is going is prepared for his arrival.

On the day of his discharge he is brought to the office of the Association, and, after a friendly talk, is sent or taken to his home, or to lodgings which are ready for him, or to the Association's Shipping Home if he is going to sea. Work is obtained for him, he is provided with the necessary tools and clothes, and his wages are supplemented if they are not sufficient at first to keep him.

He is released on a licence which provides that during the unexpired portion of his sentence and for twelve months afterwards he shall be subject to the direction of the Association as to his place of abode and his work, and shall lead a sober and industrious life to the satisfaction of the Association.

During the term of his licence, and, if necessary,

longer, the nearest agent of the Association exercises a close and friendly supervision over him, and makes frequent reports on his progress to the head office. A boy may be in immediate need of help when not in touch with any of the agents of the Association, as, for instance, if he has left his ship or his job suddenly. To meet this contingency it has been arranged that he shall be received at any police station to which he may go, and shall be provided for whilst application is made to the Association for instructions.

If he leaves his ship abroad, he knows that he should apply to the nearest home of the Missions to Seamen, whose generous help enables the Association to keep in touch with its boys in foreign ports.

The boys are warned that a careful record is kept of their conduct after their release, and that if they are charged with another offence their record will be placed at the disposal of the court which tries them ; so that, whilst the boy is given a good chance, the public may be protected against him if he rejects it. It must be remembered that no one is sent to a Borstal institution unless convicted of serious crime, and that many of the boys have led a lawless life for a number of years. Most of them, happily, are ordinary easy-going fellows, who have taken the line of least resistance, and when they have been hardened up by Borstal treatment they are able and ready to live honestly. Out of 409 boys discharged during 1913, 298 are known to be doing satisfactorily.

Since the re-arrest of any Borstal boy is notified to

the Prison Commissioners and to the Association, another 57 who are at present lost sight of may be counted as satisfactory, as there is no evidence to the contrary.

2. Reformatory and Industrial Schools "After-Care."

The after-care work of some certified schools corresponds very closely to that of the Borstal Association, even though in others the work is little more than a vague aspiration. The school system is handicapped in various unnecessary directions :—

(a) There is insufficient information at the school of the past history of the child and his parents. In order to protect themselves certain superintendents never license a child to his parents or to any place near his home unless the demand from the parents is supported by the authority from whom the child has been received—a conjunction of interest which occurs too seldom. One superintendent told me that not more than 7 per cent. of the boys from his school returned to their parents on discharge. It is particularly unfortunate that the school authorities should be driven to this course ; it is hardly less than criminal when it means that children are sent to sea or enlisted in the army without the real consent of their parents, who, in such cases, may never see their children again.

(b) The responsibility for after-care is sometimes undertaken wholly by the schools and sometimes partially by the authorities who sent the children. The schools, for instance, under agreement to take cases from the London County Council are required

to report as to the steps contemplated some months before the child is due to leave school. The London County Council has after-care responsibilities for the children in its own industrial schools; is it to arrange its after-care work for all children sent away from London, or for all which return to London, or only for those who leave its schools?

(c) The after-care and disposal agents for different authorities have no system of inter-communication, so that one school may be sending children to an employer who has been given up by another.

The effect of the renewed attention of the Home Office to these matters is already bearing fruit. The Welsh clergy through an inter-denominational committee have agreed to undertake the after-care work for farm boys in Wales. The governors of prisons now notify the school when any ex-scholar is received into prison, and have agreed to allow the superintendents or their assistants to visit such cases in prison without a warder being present—a service which, by the way, the masters of workhouses might contribute on the first appearance in the casual wards of any ex-institutional inhabitant.

3. Licensing and Disposal.

Every child committed to school is subject to a period of licence except the boy who is kept in a reformatory up to the age limit of nineteen.¹ The

¹ Children Act, ss. 67 and 68. The Departmental Committee, 1913, recommend "the age of supervision of reformatory inmates to be extended to twenty," and "all reformatory inmates to be licensed twelve months or more before the age of nineteen unless there are special and exceptional circumstances

child may be licensed out before the period of his detention expires, but in any case the industrial school child has to "remain up to the age of eighteen under the supervision of the managers of the school."¹

The object of licensing is to meet the difficulty already referred to of the child's first taste of liberty after institutional training. The actual trades which are followed by the children may be seen in the following tables (pp. 103, 104, 105) taken from the Report of the Departmental Committee.

Much might be, and for that matter has been, said on the employment of children leaving the school—*e.g.*, some people are distressed at the drift of the farm boys into the mines, while others are dissatisfied with the class of boat to which a few of the nautically trained boys are sent; but most of the difficulties would be overcome if the lads were under better supervision. It is important that they should not be used by farmers, or any one else in labour which should be performed by adults, that they should not be received as "charity" children who can be sweated because they are too ignorant of the world to appreciate imposition, and that they should not work blindly, like slaves, but see the object of their labour and appreciate their handiwork above the wages they receive for it. A great advance in our labour problem might be made if

to the contrary." The Poor Law Commission (Part IV., Chapter VIII., par. 396) considered that supervision of children leaving Poor Law institutions was desirable up to the age of twenty-one.

¹ Except children committed under the Education Acts for truancy.

Boys.¹

Occupations.	Number at end of 1911.		
	Reforma- tories.	Industrial Schools.	Total.
Army :—			
Army Bandsmen . . .	102	538	1,550
Special Reservists . . .	27	24	
Others	535	324	
Navy	129	163	292
Mercantile marine . . .	212	246	458
Coasting trade	68	51	119
Fishing	32	52	84
Bakers	19	48	67
Blacksmiths	8	28	36
Bricklayers, masons, &c. .	11	18	29
Butchers	9	30	39
Carpenters, wheelwrights, &c.	36	98	134
Carters	102	80	182
Clerks	9	24	33
Dairymen	20	29	49
Factories, works, &c., including glassworkers .	76	217	293
Farm	303	1,071	1,374
Footmen, page boys, &c. .	28	61	89
Gardeners	27	28	55
Iron, steel, &c., workers .	49	120	169

¹ These occupations were followed at the end of 1911 by the children who left the schools during the years 1908, 1909, and 1910. The figures are not an accurate record of the disposals made by the schools, as some children having been sent to one occupation will have changed to another before the end of the third year. Roughly, however, they show what trades are taken up by boys and girls who have passed through the schools. See Report of Departmental Committee, p. 57.

Boys—(continued).

Occupations.	Number at end of 1911.		
	Reforma- tories.	Industrial Schools.	Total.
Labourers :—			
Builders . . .	41	42	642
Dock . . .	35	30	
Factories, works, &c. .	107	118	
General . . .	29	17	
Ironworks . . .	43	65	
Mechanics . . .	27	27	
Shipyard . . .	23	38	129
Mechanics . . .	46	83	
Messengers and porters .	91	198	289
Mill workers . . .	23	82	105
Miners . . .	199	481	680
Ostlers . . .	15	21	36
Packers and warehousemen	22	33	55
Painters . . .	16	24	40
Printers. . . .	9	28	37
Railway workers . . .	52	67	119
Scholars . . .	—	21	21
Shoemakers . . .	24	127	151
Shop assistants . . .	60	101	161
Tailors . . .	41	120	161
Waiters . . .	38	50	88
Other regular employment	9	4	13
Casual . . .	123	233	356
Convicted . . .	286	199	485
Dead or insane . . .	34	68	102
Unknown . . .	108	276	384
Total . . .	3,303	5,803	9,106

GIRLS.

Occupations.	Number at end of 1911.		
	Reform- atories.	Indus- trial Schools.	Total.
Assisting parents in housework	20	49	69
Clerks, typists, &c. . . .	1	4	5
Cooks	6	17	23
Dairymaids	—	4	4
Dressmakers, &c.	7	34	41
Factories or mills	36	78	114 ²
General servants	96	639	735
Housemaids	16	133	149
Kitchenmaids	3	74	77
Ladies' maids	1	2	3
Laundrymaids :—			
Private	26	92	118
Public	14	26	40
Married	45	29	74
Nursemaids	11	62	73
Parlourmaids	6	21	27
Scholars	—	16	16
Shop assistants	2	9	11
Teachers	1	2	3
Waitresses	6	12	18
Others in regular employment.	—	5	5
Casual (including charing) . .	33	154	187
Convicted	9	9	18
Dead	8	20	28
Unknown	28	73	101
Total	375	1,564	1,939

¹ See note on p. 103.

² This figure is given as 107 in the Report.

these boys were trained to sell, not their strength, but what they produce with it.

It will be appreciated that children cannot support themselves on the wages they will receive either as apprentices or learners of a skilled trade ; therefore certain education authorities make contributions to the managers to assist them in placing out the children advantageously, a method which finds its best expression in the provision of an auxiliary home.

The managers of the Hayes Industrial School spend considerable sums in apprenticing boys or in subsidising them until they can earn sufficient to maintain themselves.

4. The Auxiliary Home.¹

“ Residence in these homes is the most effective form of supervision during the early months after leaving the school.” ² These homes may be certified by the Home Secretary and be treated as part of the school or schools to which they are attached ; *e.g.*, the Leicester Education Committee has a home for about 20 boys in Leicester for children from the Desford Industrial School ³ ; the London County Council has a home for six boys at Grays, which is specially for the after-care of boys at sea, a place where they can remain while waiting to sign on and in which they can find shelter between

¹ See Children Act, s. 51.

² Report of Departmental Committee, 1913, p. 55.

³ To show how interdependent the schools are it may be mentioned that, though the Desford school is under the management of the Leicester Education Committee, the majority of the boys are sent from London and other districts.

voyages. A home in Wales serves a similar purpose for lads sent to farms.

The homes can either be for the temporary residence of children on their way to employment which, like domestic service, farming and the “ sea,” involves “ living in,” or as a hostel from which the lads go out daily to their work and return for bed, board, and recreation. In the latter case the children pay so much out of their earnings towards their keep and are induced to save a small sum for future needs.

It would seem to be most desirable for children to have the advantage of the intermediary supervision which is given in homes of this kind; the total accommodation in England and Wales being only for about 235 children, there is an opportunity for extension, which should be taken by such of the religious organisations as appreciate that a home for working boys is not the same thing as a meeting for tired mothers. In view of the payments made by the residents the cost is not prohibitive; the annual working expenses of one home for about 20 boys need not be more than £150.

A certain number of these homes were used for other children besides those on licence from industrial schools, and were allowed to become “ cheap lodging-houses available for boys of undesirable character from the streets ”¹; the certificates have recently been withdrawn by the Home Office from two homes which did not provide adequately for industrial school boys. Further, it is not safe to use

¹ Report of Departmental Committee, p. 55.

the same home for the reception both of young discharged prisoners and of boys sent from the schools.

5. Emigration.

This is a form of disposal which could be further and more profitably developed. In 1913 180 boys and 47 girls were emigrated.¹ The cost of emigrating one child is about £12 ; this is the sum granted by the London County Council, which uses the Salvation Army Emigration Agency in Canada, but this assumes the use of existing agencies, the expenses of which are met by voluntary contributions. The Children's Aid Society find the total cost per case to be about £17. The Treasury grant towards emigration, until recently, was, with certain special exceptions, limited to children under fourteen, but now the age limit does not operate and the grant of half the expenses, provided the sum does not exceed £8, is available. The result is that authorities are again taking up the work, and children are being sent to Australia as well as to Canada. The work of emigration is undertaken by the existing societies established for the purpose, and not by the schools independently. These societies, such as the Church of England Waifs and Strays Society, the Catholic Emigration Association, and the Salvation Army, have receiving homes "on the other side" which are inspected from time to time from this country. The Canadian Government has inspectors for British immigrant children and certified receiving homes. Emigration is particularly suitable for girls whose

¹ Report of Chief Inspector for 1913.

parents are bad and of immoral life. Children under sixteen cannot be sent abroad without their parents' consent, but, if a girl is retained at school until that age, it is not difficult to arrange for her to declare her wish to emigrate before a magistrate. She can then be sent away in spite of the evil designs of her parents.

6. The Use of Voluntary Societies.

The schools use charitable societies for the disposal and after-care of the children in other ways besides emigration. One society doing most effective work in this connection is the Metropolitan Association for Befriending Young Servants; the work was started originally to meet the need of placing and supervising the girls who left the poor law schools to enter domestic service, but it now includes within its care a large number of children from industrial schools, as well as a number passed on for placing and supervision by the juvenile advisory committees attached to the labour exchanges. The Invalid Children's Aid Association is probably the most efficient “ after-care ” agency of a specialised kind which exists anywhere, and is invaluable for children who are weakly or suffering from physical defects. The Girls' Friendly Society, the Society of S. Vincent de Paul for Roman Catholic Children, the Church of England Waifs and Strays Society, and any number of more local organisations are available to superintendents who wish to place their children under reliable supervision.

The Certified Schools' Agency, which is run by

three men of extraordinary energy attempting to cover the whole of England and Wales between them, was started a few years ago to help in this work any reformatory whose managers could afford a capitation fee of 3*d.* per head per week on the certified number of children in the school. The work done is well spoken of by superintendents ; the homes of the children admitted to the schools are visited, employment is found for children who leave, and subsequent supervision is attempted. But the load is too heavy for three or three hundred men to carry as at present organised. Their work would be more effective if relations were established regularly with people of good-will living near the lads whom they have on their books.

The Children's Aid Society,¹ a department of the Reformatory and Refuge Union, has paid officers, besides a number of honorary correspondents and agents who are made use of by the schools subscribing a guinea to the funds. About fifty schools have in this way acquired the right to use the Society, which, though acting chiefly in London, does not limit its operations to that area. It runs a home for working lads as well as an emigration agency with a receiving home in Winnipeg.

The charitable societies which in one way or another are available for use in this work are too numerous to mention at length. The point to be noted is that these same agencies can do " after-care " work whether for the School, Juvenile Court, Borstal or the Prison.

¹ See Appendix.

The Church of England Men's Society at Nottingham, with the consent of the chairman of the Watch Committee, the Chief Constable, and the Nottingham Education Authority, undertake to supervise any reformatory or industrial school boys sent to Nottingham. The Society helps to find the boys work and sees that they are properly lodged.

The Adult School movement has in one or two places made a special effort to draw ex-prisoners into a new life by the magnetism of its fellowship, which sets out “ to bring together in helpful comradeship and active service the different classes of society,” and the same organisation is used for the children “ on licence ” from the schools. The Church Army and the Salvation Army each in its own way seeks to help. I mention these forces without fear, because, though all have failed to do much, each has succeeded in doing a little, while those who scoff do nothing at all.

Greater use is already being made of the managers of boys', girls' and men's clubs and of such more civic organisations as the Guilds of Help, Citizens' Leagues, and Charity Organisation Societies. The London Charity Organisation Society has, for example, successfully undertaken to follow up ex-certified schoolboys returning to the county area by linking them up to a “ friend ” who actively interests himself in their welfare. In some cities there are Apprenticeship and Skilled Employment Committees which can be of obvious service. In every district there are men and women, as well as societies, ready to help in “ after-care ” work. In

the next Chapter I suggest a means for making them available to the school authorities who are in so much need of them.

7. Public Authorities with "After-Care" Functions.

Merely from the official point of view the other authorities concerned with after-care are the Poor Law, Education, and Board of Trade.

(a) *The Poor Law*.—The work of the guardians, who have to place out children leaving their schools and to watch over those who have been "boarded out," is almost identical with that done by the managers of industrial schools. It is only necessary to mention it here in order that those who have the opportunity should endeavour to co-operate with the guardians, especially as to boarding out and in the use both of auxiliary homes and of agents who find employment and supervise children in their early industrial career.

(b) *The Education Authority*.—As we have seen, this authority is closely connected with the sending of children to the industrial schools, and, where it has attempted to organise care committees in connection with the ordinary elementary schools, one would imagine it would be considered a first duty of these committees to interest themselves in the "after-care" of those leaving the industrial schools. This has been done by the Birmingham Education Committee, who, through their care committee organisation, has undertaken to supervise all industrial school children licensed out in that city, whether such children have been originally com-

mitted from Birmingham or not. Some¹ consider it desirable to extend “ voluntary ” supervision over all children leaving day schools, in order to form an obstruction to the “ blind alley,” and attempts are made by certain care committees to do this. My experience is that the work is both too big and too impertinent ; but where such a work is undertaken it would be foolish not to invite the supervisors to help in industrial school cases.

(c) *The Education Authority and the Board of Trade.* — These authorities co-operate together, either under the Choice of Employment Act, which gives the education authority some control in the placing of juveniles, or voluntarily, where this Act has not been adopted. They act through a juvenile advisory committee attached to the labour exchange, and are expected to see not only that the employment found for the child is satisfactory, but that the child is encouraged in diligence and decent living. Many of these advisory committees are satisfied with placing the children in vacancies with merely outside knowledge of the firm, but others are advising the school superintendents of suitable openings which they have taken pains to secure.

8. The Probation Officer.²

The probation officer enters the field with the depressing knowledge that he is to follow where a number of others have failed. In America, officially,

¹ See “ The Boy and His Work,” the Rev. Spencer Gibb (Mowbray).

² See Report of the Departmental Committee, 1909, on the Probation Offenders Act, 1907.

and in Germany, unofficially and under another name, he is called upon to act as counsel for the defence when the child is before the court, and as work-finder and supervisor after the child is placed on his hands.

“ The ideal probation officer should combine in a very high degree the qualities of sympathy, insight, tact, common sense and strength ; if he does his opportunities will be varied and unlimited.” “ There is one qualification without which all others become practically useless, and that is his ability to supply work, genuine work, not a task of specially provided wood-chopping or the like.”¹

This is the high standard set by Mr. Russell, and yet how many probation officers make shift with any kind of occupation which happens to be available ?— a makeshift which is not always due to insufficient anxiety on the part of the officer, though the demand for juvenile labour at the present time is rather over than under the supply, but to be accounted for by the large number of probationers he is expected to control. One man cannot effectively manage 200 juveniles living in different districts and each with widely differing needs ; he would have his work cut out to tackle a quarter of that number.

In spite of many difficulties, the keen probation officer has a splendid record, but he has some indolent brethren who are content to report on insufficient knowledge and who accept more cases than they can possibly handle, while here and there are those who think their duty to their charges is met by giving them an outfit or a shilling.

¹ “ The Making of the Criminal,” Chapter XI.

The work of the probation officer in juvenile cases is at present “ after-care ” work, the case is handed to him at the court, where he has often met the probationer for the first time. The magistrates are, however, using the officer to make inquiries during remand in juvenile as well as in adult cases. Where the officers are capable of the work this is to be encouraged, as it will enable them to say whether they consider the case one they could help or one which should be dealt with institutionally.

The age limit of sixteen, though merely an artificial distinction between those eligible for trial at a Juvenile Court and those allocated to the publicity of the adult court, does serve as a rough division in the work of the probation officer. Children under sixteen have more people interested in their welfare than those who are older. Managers of boys’ clubs, for example, may be persuaded to take in a youngster when they would not feel free to introduce a lad with police court antecedents into a senior club—a shyness due to the fact that a senior club consists usually of boys who have come up from a junior club, and is not designed for those without club training. The older boy, though possibly more alive to the risks he has run, is surrounded by pals who will tempt him to glory in his misdeeds: a probation officer will sometimes find that he has to collar, not one, but a dozen lads. It is not child’s play to capture a gang, though it is often easier than detaching one of its members.

The distinction between the cases handed either

to the men or women officers is not and cannot be altogether regulated by the sex, though it can be by the age of the probationer. Each case has to be judged separately ; if the daughter of a widower is before the court for some petty theft, it may be that a man will be the better officer, as, in fact, the person on probation is the father and not the child ; on the other hand, a boy of fourteen who has been caught trespassing may fare better under a woman who understands how to get on with his mother. It is not advisable usually for a woman to attempt to manage a boy of over fifteen or for a man to have anything to do with a girl of that age.

The general practice is that young persons put on probation by the adult court are allocated according to their sex either to a man or woman officer, and in the Juvenile Courts the same standard holds good except for the younger children, who are usually passed over to the woman. A definite rule might be helpful if it would allow the men and women officers to co-operate with one another.

The duties of the probation officer as set out in the Act ¹ are—(a) to visit or to receive reports from the probationer ; (b) to see that he observes the conditions of his recognisance ; (c) to report to the court as to his behaviour ; and (d) to advise, assist and befriend him, and, when necessary, to endeavour to find him suitable employment.

These duties are carried out in almost every conceivable variety of ways. One probation officer is required to present carefully written statements

¹ Probation of Offenders Act, 1907, s. 4.

upon an approved form,¹ another has only to make observations in court when called upon by the magistrate, a third will be seen daily by the magistrate's clerk and have to submit to a private cross-examination on the work he is doing. Some officers are in the anomalous position of serving two masters; before the Act they may have been employed by a religious organisation, and, though they are now paid by and are responsible solely to the court, their former masters expect the extraneous duties of a missionary to be performed. But the probation officer, in spite of such difficulties, has at present a very free hand to do what he considers the best for the probationer. If he has a collective weakness it is that he fails to appreciate the capacities of other people, whereas he should have not only the ability to discover those who will do the work better than himself, but the power to enlist their support. The capable may not number as many as the societies and public bodies among whom they are hid, but the probation officer will be able, through them, to do all that it is possible to do. If he views his work in the easier and more ordinary way he will merely be the vehicle for the conveyance of more or less unreliable statistics as to the apparent condition of those for whom he is pleased to consider he is responsible.

The probation officer loses a certain number of cases through removal, and, beyond such arrangements as are informally and voluntarily made

¹ For information as to forms used in America, see “ The Probation System,” Cecil Leeson (P. S. King).

between the officers attached to different courts, there is no system by which a probationer is followed up in his new abode. If he has left for natural reasons, such as a change of work or removal of his parents, the probation officer of the new district should be officially notified and the probationer be required to report himself to him, or, better, to a magistrate ; but if it was in order to escape his officer probably nothing can be done until he gets into trouble again, for unless the case is particularly grave it would not be worth while to put the police machinery in motion to discover his whereabouts.

9. Conclusion.

The conclusion is simple : the needs of the various bodies with " after-care " responsibilities are identical, and though each might separately work to the Borstal model, all might do so collectively. I advocate this collective system not from any belief in co-ordination as such, but from my experience of the present tendency in the work itself—that is, for each authority to use the same person for " after-care " work. As an instance of this I need look no further than my own desk ; during the last month I have received — (a) letters from the Juvenile Advisory Committee of the labour exchange commending a young thief to my care, for whom I am to find work ; (b) a request from a mother's dinner committee to knock sense into a drinking father ; (c) a call from an employer with reference to an apprentice ; (d) sundry communications from a School Care Committee ; (e) an " after-care " reference from the

Borstal Association. On the other hand, I have had to communicate with hospitals, convalescent homes, scoutmasters, distress committees, and the guardians. These are weekly rather than monthly duties which arise in connection with local social work¹; they are not peculiar to me, but typical of the various calls upon the time of a voluntary worker. Hence the proposal that the “after-care” responsibilities of the various public authorities should be directed into the same channel is not new—it has happened. In the following chapter it will be seen how this development can be given full play without creating a single committee and without adding to the number of societies or officials.

¹ This work is of two kinds, that which is natural and inevitable, and that which is theoretical and artificial. An example of the latter can be found on the “following-up” card on which the London County Council requires its care committees to report the occupation of “father, mother and other wage earners”—if they are not in regular work the cause has to be stated within two square inches of card—as well as “rent and number of rooms” of every child “referred for medical treatment to hospitals or treatment centres.”

CHAPTER IX

READJUSTMENTS

THE journey is ended, and the child has passed through the dull variety of days and is earning his living like the rest of us. We have an interest in him as a type which will be repeated ; it will pass through the same mill and turn out much the same kind of fellow as the one to whom we but now said good-bye on his way to the front. In this chapter and in this mood we may consider some of the needs of the system we have been discussing. We note first of all that *there is no one person responsible for following one case through*. The child, until he reaches the school, is a brief incident in the day's work of many officials ; he has every opportunity to learn that the State consists of many independent parts. We should not quarrel with the parts did they not disagree with each other, and they would do so less were there a directing energy in the State management of criminal and neglected children. The " after-care " worker and the voluntary probation officer would be more effective could they know their charges from the beginning, and it would seem impossible to secure this without some unifying influence on the official side.

It is this lack of a guiding hand which results in too many investigators and too little investigation,

so that of the children now being sent to certified schools a number should not be sent, and of the children who are not brought into court at all there are some who should be.

The only persons at present able to secure better co-ordination among the officials are the magistrates. It is possible for them to insist upon more information and a higher standard of evidence. The repeal of clause 58 (8) (a) of the Children Act, which endows officers representing the education authority with duties which should normally be exercised by the police, would be an improvement, but an official *centre of gravity* would still be needed. The voluntary "after-care" worker, the official probation officer, and the officials under different authorities need to have some natural centre where their work may be tested and be available to further the interests of the child. It would be easy to suggest the magistrates as the most suitable body of men to control this work, because they have now the powers of doing so and not infrequently exercise them. In Leicester at the present time the magistrates' clerk supervises all the work undertaken in the juvenile cases; he sees the probation officer every day and arranges for what further inquiry he may think necessary, either by the police or by the official or unofficial probation officers. It is, however, doubtful whether a case of particular devotion could be used as a reason for so regulating an entire system. The magistrates' clerks in the London courts certainly would not have time to attend to the many duties involved, though they spare no

pains to assist all who come to them for advice and help.

But there is more than this small administrative difficulty which stands in the way of increasing the magistrates' duties in this respect ; the person who acts as judge, who has the power to order detention or release, must be above the suspicion of bias—he must hold the scales evenly. Now it is difficult to ask a man to be impartial if he is judging his own work. Should a probationer commit a second offence while the magistrates were responsible for the supervision of probation work, they would unconsciously, and in some cases unfortunately, lean towards a further experiment with the same weapon which had but then proved its inadequacy.

If the probation officers were reduced in number, increased in efficiency, and precluded from doing individual case work—though they should not be appointed without having experience and proper training in case work—they might meet the difficulty.

THE DISTRICT PROBATION OFFICER.

At the present moment paid probation officers and " after-care " agents have duties which are not distinct from those voluntarily performed by others. My suggestions are—(a) that there should be but one officer for work (probation, supervision of lads pending payment of fines, and after-care) which is essentially of the same character ; (b) that this officer, whom, for convenience, we will name the district probation officer, should not do individual

case work, but act as a distributing agency for those voluntary societies and workers who do. The former recommendation is obviously contemplated in section 7 of the Criminal Justice Administration Act, and the latter could be authorised by the Home Secretary as part of the constitution of a "recognised" probation society.

In this way "after-care" or probation cases would come to the voluntary workers either directly from the magistrates and the superintendents or indirectly through the district probation officer; who would of course have to be aware of the direct transactions also.

Mr. Leeson states¹ that the practice of having a public chief probation officer to secure volunteers and organise their work is said to work well in some American States, but it is not an arrangement of this kind which I advocate. I do not propose an official creation of voluntary societies. I would use only those which exist; they would, I hope, object to see an official organising their work.

My judgment in this matter is influenced by experience gained during six years of organising care committees under the London County Council. The London County Council set out to enlist the sympathy and support of voluntary workers in existing societies—religious, secular, philanthropic—but it invited them to serve in a new organisation. This has meant additional routine, committees, conferences and the rest, for those who were already busy enough. This would not have mattered had

¹ "The Probation System" (P. S. King).

it resulted in the reduction of the number of people, volunteers or officials, who were visiting the same homes and had brought some sort of unity into social work ; but it has increased the number—visits are paid from the care committees as though there were no other bodies in existence.

The proposals I make above are not new and are not based merely on experience of failure. When the Leicester Education Committee was faced with the responsibility of carrying out the Provision of Meals Act, it did not form new care committees, but used the existing organisation of charitable societies ; when the Metropolitan Asylums Board had to consider the desirability of establishing some system of after-care for certain of the cases discharged from the children's hospitals, their arrangements with the Invalid Children's Aid Association¹ for the after-care of cases of pulmonary tuberculosis admitted to Millfield had proved so satisfactory that the Board extended them to cover all children needing after-supervision.

Lastly, the proposals are based upon the method of the probation and "after-care" work of the present time, which is, after all, mainly carried out by voluntary workers attached, not to the courts nor to the schools, but to every conceivable kind of religious and philanthropic society. The superintendent who places a boy in a country village enlists the sympathy of the parish priest or one of his workers or of the president of the adult school

¹ See Annual Report, Children's Committee, Metropolitan Asylums Board, 1912, p. 8.

or the secretary of the C. E. M. S. ; he would not be better served if there were an " after-care " society for industrial school children in the parish, simply because he would merely have the good offices of the same men discounted by routine and the additional service required on committees. Uniformity in forms and regularity in reporting soon become the end of all official organisation ; I have seen an " after-care " committee fulfilling all the requirements of the county council—school-leaving forms filled up, reports every six months, and so forth—and receiving the rare reward of official commendation, when the workers have not known a single child or his family intimately nor troubled to consider whether any one was in the slightest degree happier and more independent or had a better prospect in life because of their hours of labour. I would urge, with what power I may, that " after-care " and probation work be entrusted to those who have so far proved able and willing to perform it voluntarily and be kept free from the shackles of official formality, the burden of committees, and the statistical conceptions of the clerks who control them.

If we look outside our own country we may find this principle of division of work frequently admitted. In most German States the probation and " after-care " work is handed over entirely to a voluntary organisation similar to that which exists at Elberfeld.

In Winnipeg,¹ " excepting the actual adjudicating,

¹ See letter of the Commissioner in *The Times*, July 11th, 1914.

the Salvation Army operates the whole" of the work of the Juvenile Court; its officers present reports on the home circumstances of the child, undertake the duties of the "remand home," and act as probation officers.

The same idea is noticeable in the genesis of the National League for the Protection of Children in Hungary founded in 1906. It was formed "to create a powerful social organ which should be at the service of the State in its work for the children and should be available to help wherever the need showed itself; to help quickly and of its own initiative; to group, to guide and to help the societies already existing for the protection of the children, and to create a social centre for the development of the work."¹ But the steps taken to make the League an effective organisation are tending to curtail its usefulness in this particular direction. Probation officers were appointed for the Juvenile Courts, though the League had its own probation officers and received a State subsidy. Further, in spite of this duplication of officers, all the cases which go to the Children's Refuge, a State institution, are investigated by the municipal authority for the care of orphans. For the moment these authorities work in close co-operation, and, indeed, the need for a further co-ordination of work is recognised; but there is no room for the person of good-will, for whom the powers that be do not, unfortunately, entertain much regard. In these circumstances it is

¹ "Le Droit de l'Enfant Abandonné et le Système Hongrois de Protection de l'Enfance," Chapter IV. : Budapest, 1909.

natural that when the youthful offender leaves the official care, after having been placed in work, little further notice is taken of him, unless his "treatment" has taken place in a children's colony and he happens to remain with his foster-parents.

This is an example of a failure which might have been avoided had the League been content to recognise that work of this kind cannot develop in a day and must grow from what exists, however insignificant it may seem. The League is run by its officials.

It was in Paris that I learnt the possibility of organising the probation and "after-care" work, not only independently of the State, but without the creation of a new organisation. Here the magistrates allocate the work to the existing voluntary societies or to independent persons, who have merely to be registered by the Procureur de la République.¹ These voluntary workers can be asked to supply information as to the home,² while any out of pocket expenses, within certain limits, they may incur will be refunded to them.³ It must be remembered that there are special magistrates for the Juvenile Courts, created by the law of 1912, who not only fulfil the duties of the bench and of the suggested "district probation officer," but who have to inspect all establishments (industrial schools, &c.) to which the children are sent.⁴

¹ "Décret Portant Règlement d'Administration publique relatif à l'Application de la loi du 22 Juillet, 1912, sur les Tribunaux pour Enfants et Adolescents et sur la Liberté Surveillée," Chapter II., art. 7.

² *Ibid.*, Chapter I., art. 3.

³ *Ibid.*, Chapter III., art. 21.

⁴ *Ibid.*, Chapter II., art. 10.

I quote these examples of Continental procedure to illustrate my argument, not to suggest that we should proceed to copy them in detail. We could not do so without an entire reorganisation of our judicial machinery, for, even though we omit the difference between a paid and unpaid magistracy, the status of the stipendiary magistrate in this country is not comparable to that of the magistrates abroad, which is more that of our magistrate's clerk.

The district probation officer would be an intelligent centre of distribution ; it might be hoped that he could also assist in supervising the collection of the cases with which he would, as at present suggested, subsequently come in contact. If so, he would have to be available to everybody who contemplated action for or against a child. I do not for a moment suggest that all the world should have to wait for his august decision before any action was taken, but that he, by nature of his office, would be in the best position to give advice in exactly the same way as a magistrate's clerk often does now. He should, however, be informed immediately of every case in which a child, or person under twenty-one years of age, was apprehended, should see the charge sheet and officers' reports, and be empowered to direct what and of whom further inquiry should be made while the case was waiting the sitting of the court, as well as while it was on remand. At the court he should be responsible for seeing that the interests of the child and his parents were adequately represented. I would not, at present in any case, suggest

that he should have any voice in the choice of the school, in industrial and reformatory school cases, though I should like him to know his work so well that the education committee would soon desire to have his opinion. In the same way I should not recommend that he had any official relationship to the magistrates, who should only rely upon his judgment or ask his advice after they had found him to be worthy of confidence. In probation cases he would be responsible for seeing that a voluntary probation officer was forthcoming in cases where one did not already naturally exist, and he would have to see that such reports as the probationer or the magistrates required were obtained from the voluntary worker, though these reports should most emphatically be reports not to him but to the magistrates. When any probationer left the district the district probation officer would see the responsible worker and agree with him as to what recommendations should be made to the officer to whose district the probationer had moved.

While a child was in a certified school he should see that a link was established between the home and the school, so that the superintendents should no longer feel that they were being supplied with stray children from another planet. When the child's school time was over he should be in a position to act as "after-care" agent for children who lived and took up employment in his district, whether they were licensed to their parents or not, and whether they came from Borstal institutions and certified schools or were transferred probation cases. He

should see that after-care was provided from voluntary sources and carry out his duties on the same lines as those laid down for his probation work.

The inclusion of the supervision of "after-care" work is the addition of a duty which is not now adequately performed by a number of the schools. Industrial schools would, I hope, not be discouraged from making their own arrangements because of the nominally increased facilities at their disposal through the district probation officer. He can create no new avenues of disposal and supervision; he may, in a year or two, find some that are not used, and inspire their development. If the schools are capable enough to use his material "over his head" by all means let them; for the power of the schools is greater than the power of any other person or organisation which can be introduced from outside. Whatever official arrangements are made for the better employment or lodging or care for the lad, those who make these arrangements will have failed to understand their work unless they appreciate that what they do is supplementary to the living interest of the school.

An officer to delegate the work of probation and after-care in each district is, I believe, involved in any official extension of probation work, but the practice will be beset with any number of difficulties which experience alone will discover and defeat. The probation officer will have to "get on" with the officials already doing some part of the work; should he think a school officer to be ignorant, he

must not say so, nor should he imply to a constable that he is slack : officers of voluntary agencies may be at times too officious or too sentimental, but he must be humble before them ; he will have to run the risk of the jealousy of the labour exchange officers by his familiarity with employers and steer his way between the over-zealous Nonconformist missionary and the strict disciple of the Church. On the other hand, it is generally true to say that, though all men engaged in any work have their peculiarities, those, either as volunteers or as officials, with duties in connection with the children at police courts have one common trait—they put the interest of the child, as they see it, before other considerations.

As the work is perfected it would be desirable if the probation office could be in the “auxiliary home” where there is one available. I attach perhaps too little importance to buildings, offices, and notepaper, though I like them good of their kind. I do not think there is any serious objection to probation officers using police-court offices which are usually indistinguishable from the town, city, or county hall. In London, however, I should certainly like to see the probation officers installed in the town-halls and associated, if possible, with what local civic life there is within the metropolitan boroughs.

It has been suggested that there should be a “Probation Commission” similar to that of the Prison Commission ; should this or any other central authority be created for the better ordering

of probation and "after-care" work it would overcome the important problem of the direction and control of the district officer. The number of officers is and will be too small for local control, which should, I feel, normally be preferred to central and remoter management, while their duties will also necessitate intercommunication. The district probation officer working to a Commission will be placed in a sufficiently independent position to enable him to represent the interests of the parents and children in court and not deprive him of the knowledge and co-operation of the officials.

DAILY COURTS.

It will, I hope, be appreciated that none of the proposals so far put forward adds to or takes from the duties of the magistracy. I now merely wish to suggest that the magistrates should be more available for dealing with juvenile cases. It would relieve the pressure of the courts if the "doubtful" cases could be taken every day in the magistrates' room, so that the magistrate might dispose of as many of the cases as possible which are now either ultimately discharged, or dismissed on recognisances, or placed on probation. The added inconvenience to those whose cases were found to be insufficiently serious to demand consideration in court would be more than made up by the reduction in the number of those who now experience the tiring and not exactly elevating atmosphere of the ordinary court and waiting rooms.

It would be helpful to have an informal court of this kind to which probationers might be summoned if they were "transfer cases" from another district, as it would prove to the youngster that probation was more than a name if he were required to report himself on entering a new district. Again, it would give the magistrate an opportunity to send for probationers the reports of whom were not satisfactory.

I have outlined the organisation required on the official side assuming the co-operation of the voluntary worker. In the next chapter I attempt to show why this dependence is justified.

CHAPTER X

VOLUNTARY SERVICE

1. The Neighbour. 2. The Guest House. 3. The Work to be Done. 4. Reliance on the Volunteer. 5. Co-operation or Subordination. 6. Voluntary Management of Institutions. 7. The Whole Matter.

1. The Neighbour.

THE weakness of an official is in the frequency of his promotions and transfers ; the strength of the voluntary worker is in his stability. This is one reason why it is desirable that the voluntary worker rather than the official should do the personal or case work. It is a work which takes time and is essentially neighbourly. The door which will be opened at any time between 8 a.m. and midnight has more local use than the one which is accessible only between 10 and 6 ; the unexpected encounter in the street, the possibility of a talk on a Sunday, the walk to a football match on a Saturday, the discussions over municipal politics, the use of the same polling station, the common complaint as to the condition of the streets—a thousand natural links exist between the men who live in the same parish. It is the unconscious use of these neighbourly opportunities which holds society together.

This is the background of successful probation as

of all "social" work, and a wise official must discover it or his efforts will pass like the smoke from a factory chimney.

In the foreground there is an amazing variety of kindly human effort which is outside any club, or society, or church; the daily generosity of a poor man or woman to poorer neighbours, the perpetual passing on of information as to openings for work and opportunities for "making a bit," and the everlasting lending and borrowing are more real indications of the life of the people than the fuggy smell of the streets and the occasional brawl outside the public-house.

A lad breaks away from the club, he gets mixed up with a coarse-minded girl; he frequents the street corners and public bars, where conversation is either of the obscene or of the "odds"; he finds associates who spend most of their spare time in gambling; he stays out late at night and arrives late to his work in the morning, and, eventually, he gets the "sack"; he is out of work and spends more time with his undesirable associates, many of whom are in a like case—their "watcher" is caught napping, and he and his gang are marched off to the police station; he is fined, cannot pay, and is sent to prison. This is a brief statement of a process which may be slowly developing over a number of years. The lad may be caught back into a decent way of living by his parents or by his club manager, but he may pass through to the distressing end of a chapter of crime. It is for such that the neighbour is needed.

2. The Guest House.

There are not a few men willing to befriend such a youth ; if I speak of those working through the organisation of a guest house, it is not that I undervalue individual effort. There is one guest house which is not a dandy lodging-house decorated with texts : the master and mistress of the house have themselves known the pinch of poverty ; they can offer a bed which can be accepted by the youngster from gaol without rousing suspicion, he hardly feels that he is being "done good to" ; he can sit at their table without fear of patronage, and go to the foreman they recommend without wondering whether the whole of his past history has been discussed by everyone in the shop. Such a guest house cannot be created by calling together a committee of local philanthropists, though later such a committee may be essential. The work of this house began by one man caring sufficiently to take any trouble to give one lad a new chance. His boy friend proved difficult, and, at length, landed in prison ; so he went to see the governor, was allowed to visit the lad in his cell, and convinced himself that a fresh start was possible. When the lad came out he took him into his own house and kept him there until a job turned up.

A more recent example of the work done will show how it touches not merely the one who is apparently in the greatest difficulty, but his home where the cause of the trouble originated. The warden or master of the guest house, if such a high-sounding title may be used for so humble a person,

was called up on the telephone by the grocer at the corner of a poor street to be told that Bill Smith had broken out again and had been at that moment marched off kicking and fighting by the police. The trouble in this case, already known to our friend, was that Mrs. Bill Smith was not only a shrew but given to inconstancy ; she had on two previous occasions left her husband to live with another man. Bill sought his consolation in drink, and when in liquor " he was a terror." Reconciliation had been effected, but now the danger was revived by the reappearance of the other man : there had been a tremendous fight ; the interference of the police, as is usual in such cases, was not well received, with the result as above stated.

Our friend went round on his bicycle ; the magistrates were in possession of all the facts before Bill appeared in the morning to answer a serious charge of assault on the police in the execution of their duty. He was discharged with a formal warning and was taken off to the guest house, where his wife had been already persuaded to attend ; but the case was not left at this " happy-ever-after " stage. The adult school people were at work ; both husband and wife were persuaded to attend school and encouraged by men of their own class to take part in its activities.

It is an instructive comment on the work of the men and women responsible for this guest house that the number of separation orders in the town has been reduced from 66 in 1911 to 24 in 1913 because they have persuaded the justices to see

the man and woman together before granting an application.

The work done voluntarily by those who care can only be explained in the histories of individual cases ; it cannot be classified under societies and institutions. Where the work is done it is done by individuals, whether they be called probation officers or missionaries or workers for this church or that chapel. But, so far as I have any experience of it, it is done always by men and women working under the discipline of the religion of the Cross.

3. The Work to be Done.

The work which we are now considering as open to the voluntary worker is individual case work. Four different classes of juveniles and young persons require attention—(a) those placed on probation ; (b) those put under supervision pending payment of fine ; (c) those discharged from the industrial training and Borstal institutions (for I think the co-operation of the Borstal Association is not only essential but may be taken for granted) ; (d) those whose parents have been in prison. We might add those whose parents have been reprimanded or punished for the neglect of their children.

We have seen that a number of voluntary societies are already assisting in the work, and the volunteer to whom I would appeal will be wise to throw in his lot with those having experience rather than attempt to form himself into a new society.

There should be no creation of new committees

for the purpose of organising "after-care" work, because it is important to use those now existing; the number of juveniles concerned in any district is not excessive, and the work would suffer if it were divorced from that which normally occupies the people of good intent. Care would naturally have to be exercised by the district probation officer to see that a young Roman Catholic was not commended to an ardent Plymouth Brother, for though many of the cases indicate their own allocation others do not. He would have to be aware of any efforts being made to help a family of which one of the children was in trouble, and that *before* the case was decided. Any one attempting to improve the family fortunes should be called as a witness on behalf of the child. Such a person should, if possible, be named in the probation order, or, if the lad is sent to a school, be encouraged to keep up acquaintance with him throughout his school life. In France this protector or *délégué*, who is a private person of good-will recognised by the State, is named in court so that the juvenile and his parents are aware of his position. He is appointed not only for what we should term ordinary probation cases, but for children committed to institutions. The authorities appreciate that some protectors might be perhaps more anxious to reform the reformatory than to improve their acquaintance with the child, and special advices are issued to the *délégués* on this point.¹

¹ "Petit Guide à l'Usage des Rapporteurs et Délégués" (Marchal et Godde, 27, Place Dauphine, Paris, pp. 17 and 18).

4. Reliance on the Volunteer.

We have considered the work which has been and still remains to be done. Can the volunteer manage without official assistance, or will official assistance destroy him? The State should know what to expect from the volunteer before instructing its officers.

The volunteer looks up rather doubtfully; he has been persuaded to co-operate with the official before, and has learnt that when an official manages the ship the voluntary worker is blamed for the contrary wind and sacrificed to the whale. He is indeed a little shy of the official voice. When at length he can be prevailed upon to speak he wants to know whether the work he is expected to do will be allotted to him by the piece, whether he will be told that "Dr. S. says the boy wants his ears cleaned and will you trot along and tell his mother and write what she says on the case paper," whether all the available institutions for cleaning ears will be tabulated for the parent's use, whether he may visit a friend in trouble in the next parish, or would some other voluntary worker be expected to do that? Then he brutally wishes to know whether his labour is to be secured to save the rates.

Certainly the rates are to be saved, not in the way he means, but by the reduction in the number of people dependent upon assistance from the community; the rates are to be saved by the number of people he can effectively keep out of institutions and assist to stand on their own feet. I am convinced that the power and the willingness exist among us to do the work which is required.

5. Co-operation or Subordination.

I have discussed the question of official and voluntary co-operation at some length in another book,¹ and I do not propose to go over the ground again. The State demands voluntary service from its citizens and must be prepared to allow that service full responsibilities. There should be no overlapping of functions; official and voluntary duties should be distinct. I agree absolutely with Mr. Legge, the Director of Education in Liverpool and formerly Chief Inspector of Reformatories, when he says, in his evidence before the Departmental Committee²: "I do not think the tendency has been for local authorities to give real power to voluntary committees. They are a little too fond of regarding members of voluntary committees as puppets whose strings are to be pulled by the paid official"; and again: "I think that to put too much power, which is the tendency of the day, into the hands of the class to which I have belonged all my life, that is to say, the paid official, is perilous in the highest degree."

The difference between the volunteer and the official is not primarily that one receives payment for services which the other undertakes without such reward, but that one offers himself and the other represents passing and changing authority of those dependent upon popular election. The official is bound to act as an interpreter of regulations which have been designed for the many, and he is usually

¹ "The Care Committee, the Child and the Parent" (Constable).

² See Volume of Evidence, p. 279.

so well supplied with work that he cannot devote his whole energies to the one case. It not infrequently happens that a voluntary worker takes on many more duties than he can fulfil and, as it were, lowers himself to the level of the official, but he need not ; the official has no choice.

When officials are appointed from the ranks of the volunteers in the same service a type of official-apprentice is created who works voluntarily in order to qualify for an official salary. In work which is officered by women who are compelled to resign on marriage the number of vacancies is relatively high, and the large number of unpaid but expectant apprentices practically under official control deprives the service of its "voluntary" designation.

6. Voluntary Management of Institutions.

This is a matter which appears unfortunately on the way to settling itself ; few new industrial schools have been started on voluntary lines—those who wish to have them agitate for the local education authority to use public money for the purpose.

There is, however, still an opportunity for voluntary effort ; the schools run by the Church Penitentiary Association for morally deficient girls could not conveniently be managed by a local authority. It would, I think, be all to the good if other religious organisations followed the example in being responsible for small special schools for particular classes of girls and boys whose homes were bad, and yet whose social or physical condition

made it undesirable to send them to ordinary institutions.

The provision of "auxiliary homes" offers an unique opportunity to voluntary societies, for there is no time in the history of the child more important than his first acquaintance with industrial or commercial life. The Poor Law Commission, considering a similar need, decided "that such provision falls within the sphere of private benevolence and should be left to it."¹

The homes should not be large, and need not be expensive; they should be as near the country as proximity to the workshops will allow, and they might be a common meeting-place for those engaged in the "after-care" work of the neighbourhood. Those voluntary workers with any capacity for athletics and organising games should be "compelled to come in."

7. The whole Matter.

From the first error which brings a child into the hands of the authorities to the last lesson in an industrial school the State has been attempting to train him for an independent and crimeless manhood. Does his future justify the treatment he has received? If we judge by the small number of such children who, as adults, subsequently require official attention the answer is in the affirmative. But there are several considerations which will not allow us to be content with that answer.

¹ Report of Poor Law Commission, 1909, Part IV., Chapter VIII., par. 401.

1. A number of these lads would have turned out as well if they had been left alone.

2. A number of children who should be subject to this State treatment are not brought to the court because

3. There are too many authorities responsible for the care of children. The authority of the parent is not sufficiently regarded.

4. All institutions, whether remand homes or schools, to which children are sent suffer from the initial lack of discrimination in securing the right case, so that adequate classification is impossible.

5. The supervision of a lad at liberty, whether he be on probation from the court or on licence from the school, is so far incomplete that it would be ineffective even if only the worst cases were dealt with.

6. The confusion between the duties of officials and of officials and voluntary workers results in wasted effort and a misunderstanding as to the object of the work.

These defects, however, do not incline me to call for reform, there is nothing in the form of our procedure to hinder its effective use. If those entrusted with its administration would not pretend to do what they cannot begin to accomplish, if the duties of the various authorities were defined and, by the few readjustments necessary, it were made possible for the available voluntary or official effort to be concentrated into channels where it is needed, these defects would be overcome. I have laid much

stress upon the duties of the voluntary worker, in order not to separate him from the official, but to unite the two. I would keep their functions distinct so that they may unite and co-operate without attempting to compete.

Our procedure in the treatment of juvenile offenders is a means to an end, not the end itself. The object we have in view is the healthy independence of men and women. To accomplish this we must somehow demonstrate to the delinquent youth, as to the neglectful parent, that the course of a man's life need not be set for destruction, that even the narrow way has its illumination, that truth is more than a statement which satisfies the bench, and that life is something other than conduct approved by the police. The youth has to learn that life cannot be lived unto himself, and, in order that he may learn this, we should seek to develop rightly those links which bind the lad to his family and to his "set" rather than to ingraft some theoretical system of right living only possible of practice apart from his natural associates. We want the youth "to feel a tug upon his faculties, and a sense of participation in the moral life about him."¹ In the existing methods it will be found that their basis is too often the separation of the child from his parents. Instead of maintaining that separation we should see that, wherever possible, the natural links between parents and children are so strengthened that, though the

¹ "The Spirit of Youth and the City Streets": Jane Addams.

child is being trained in an institution, the home from which he came is being assisted to become worthy of his reception when he leaves. The fact of a child getting into trouble, if it is due to the faults and the ignorance of his parents, should be sufficient to make us dissatisfied with any plan which leaves the real cause of the disaster out of account. There is something peculiarly heartless in our working of the system if, to the persons concerned, it appears like an all-powerful engine of the State for the abduction of their children. By recent legislation we have gone far in interfering in the lives of the people, and it may seem difficult to co-ordinate the various detached efforts of the many different public authorities, so that, even with the handicap of official doles, there might be some sort of common purpose expressed to and felt by those whom we call the poor. The ministry of State assistance has engulfed, for the moment anyhow, a large amount of the interest of well-disposed people who work for their church or voluntary societies. Some of the clergy spend more than half their time upon non-parochial committees ; many do not know how to reconcile the claims of their parish with the demands of the societies which work in their own and many neighbouring parishes. And yet there can be no departure from the law that it is only one man, by the grace of God, who can help another ; and, though our organisations were doubled in number and every other citizen were an official, it would still only be possible for the most beneficent of schemes to be of use according to the personality

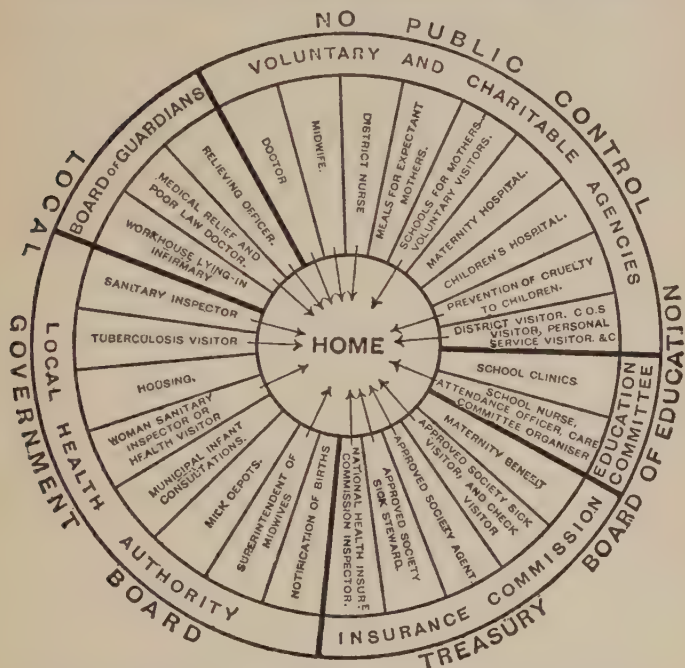
and capacity of the men by whom it was represented. Thus in the present confusion it will be found that here a church-worker or club manager, there a schools officer or "cruelty man," somewhere else a sanitary inspector or relieving officer, round the corner a probation officer, in the next town the chief constable and in the next parish a priest, are making either the strong or weak society they believe in a source of power to those who are in distress.

The "after-care" work of probation officers and industrial school superintendents and managers is so closely concerned with the welfare of the poorest and most ignorant people that it must not be departmentalised ; it must somehow lead to the discovery of the men and women who are, in whatever capacity, actually bringing men and women to a better understanding of life. These are not satisfied with the actual expression of wrong shown by one member of the family ; if the cause of the fault is in the home, they see the family as a whole and seek to save it as a whole.

Finally, it is a work which cannot be circumscribed within age or any arbitrary limit. If a worker is once vitally in touch with a case he will not feel that his responsibility has magically been removed when the lad celebrates his twentieth or any other birthday ; he will want the privilege of being available whenever his friend is in trouble or in joy, to be at his wedding, to be godfather to his children—to be a "pal," not an organised and patronising prig.

APPENDICES

APPENDIX A.—“THE INVASION OF THE HOME.”



This diagram is reproduced, with some slight alterations, by the courtesy of Miss Margaret Bondfield.¹ It is strange how ineffective the “official” bodies have proved; and how much further removed in practice these are from “public control” than the “voluntary and charitable agencies,” whose chief pitfall is a too ready compliance with public opinion.

¹ “The National Care of Maternity”: Women’s Co-operative Guild, 28, Church Row, Hampstead. *id.*

APPENDIX B.

CONVICTED AT JUVENILE COURTS (including a few Cases tried at ordinary Petty Sessions, because charged jointly with Adults).

Age of Offender.	Offence.	Sentence.	Prison to which Committed.
Y. M.			
1 15	Carnal knowledge of Imbecile women	3 months' hard labour	Reading.
2 15	Indecent assault on girl under 13	21 days (second division)	Shrewsbury.
3 15	Larceny	3 months (Borstal treatment)	Derby.
4 15	Larceny	3 months (Borstal treatment)	Derby.
5 15	Drunk and Disorderly	1 months' hard labour	Derby.
6 15	Common assault	14 days	St. Albans.
7 15	Larceny	1 month	Manchester.
8 15	Larceny	3 months' hard labour	Lincoln.
9 15	Larceny	7 days.	Norwich.
10 15	Wandering abroad without visible means of subsistence.	1 month's hard labour	Warwick.
11 19	Wilful damage	Fine, 11s. 9d. or 7 days	Birmingham.
12 14	Railway trespass	Fine, 10s. 6d. or 7 days	Cardiff.
13 15	Gaming	Fine, 18s. or 7 days	Cardiff.
14 15	Larceny	2 months (second division)	Durham.
15 14	Larceny	Reformatory detention	Exeter.
16 15	Obscene language	Fine, 14s. or 14 days	Hull.
17 15	Wilful damage	Fine, £1 1s. 1d. or 7 days	Ipswich.
18 15	Wilful damage	Fine, 14s. or 7 days	Ipswich.
19 15	{ Wilful damage	Fine, 14s. or 7 days	Ipswich.
	{ Obscene language	Fine, 12s. 7d. or 3 days.	Ipswich.

20	15	6	Travelling on railway without paying fare	1 month	Lewes.
21	15	9	Larceny	Reformatory detention . .	Lewes.
22	15	5	Travelling on railway without paying fare	Fine, 15s. or 14 days . .	Lincoln.
23	15	—	Soliciting for immoral purposes . .	3 months' hard labour . .	Pentonville.
24	15	—	Soliciting for immoral purposes . .	Committed to quarter sessions as an incorrigible rogue. At quarter sessions he was sen- tenced to 9 months and to receive 25 strokes, birch.	Pentonville.
25	15	5	Larceny	Reformatory detention . .	Shrewsbury.
26	15	6	Larceny and assault	6 weeks hard labour and fine, 36s. 6d., or 1 month's hard labour, concurrent.	Swansea.
27	15	—	Travelling on railway without paying fare	Fine 32s. or 14 days . .	Swansea.
28	15	9	Larceny	1 month's hard labour . .	Winchester.
CONVICTED AT QUARTER SESSIONS.					
29	15	—	Attempted unnatural offence . .	Reformatory detention . .	Exeter.
30	14	6	Attempted unnatural offence . .	Reformatory detention . .	Exeter.
31	15	8	Shopbreaking	Reformatory detention . .	Lancaster.
32	15	6	Assault with intent to commit rape	2 years' hard labour . .	Lincoln.
33	15	6	Attempted unnatural offence . .	1 month (second division)	Lincoln.
34	15	—	Housebreaking	Reformatory detention . .	Northampton.
35	15	—	Housebreaking	Reformatory detention . .	Northampton.
36	15	—	Counting-house breaking	12 months (Borstal system)	Stafford.
CONVICTED AT ASSIZES.					
37	14	9	Indecency with male	1 month's hard labour . .	Cardiff.

In addition 12 cases were sentenced to one day's imprisonment and were consequently released at the end of the day's proceedings without being sent to prison.

APPENDIX C.

SUMMARY OF THE YEAR'S WORK OF THE CHILDREN'S
AID SOCIETY, 1913.

Boys and girls sent to certified industrial schools .	512
„ „ „ certified reformatory schools.	66
„ „ „ voluntary homes . .	244
Boys emigrated	29
Cases taken to the workhouse	99
Cases investigated and watched . . .	2129
Cases still under investigation	172
Cases dealt with under the Probation Act . .	86
Provided for in other ways	28
Total	3365

APPENDIX D.
TABULAR STATEMENT OF THE WORK OF THE CHILDREN'S AID SOCIETY FOR
THE PAST TWELVE YEARS.

Year.	No. of Officers.	No. of Child- ren placed in Homes.	No. of Child- ren Emi- grated.	No. of cases other- wise dealt with.	Payments to Homes, etc.	Special Grants to Homes.	Salaries and Expenses of Officers.	Cost of Emigration Work.
					£ s. d.	£ s. d.	£ s. d.	£ s. d.
1903	6	437	10	1,628	1,458 3 8	40 6 0	592 7 5	223 4 3
1904	6	455	24	1,911	1,827 3 5	25 0 0	654 8 4	337 16 0
1905	6	461	21	2,159	1,904 6 1	75 10 0	651 15 8	408 19 5
1906	7	443	3	2,802	1,858 2 10	30 0 0	644 15 4	194 9 6
1907	6	570	33	2,602	1,639 13 5	25 4 6	763 3 4	485 2 7
1908	6	661	45	2,449	1,801 12 10	20 0 0	906 7 3	574 15 4
1909	6	587	26	1,715	1,494 17 9	15 0 0	940 9 4	397 9 3
1910	7	654	23	1,790	1,661 0 3	5 0 0	1,041 15 2	363 9 3
1911	7	589	29	1,879	1,510 16 3	5 0 0	995 6 1	389 15 8
1912	7	738	29	1,784	1,494 0 7	50 0 0	1,055 1 7	439 3 5
1913	7	780	34	2,601	1,724 3 9	30 0 0	1,110 2 11	537 0 3
1914	8	822	29	2,514	1,853 17 11	—	1,121 13 3	515 19 4

APPENDIX E.

HOME OFFICE CIRCULAR, MARCH 16TH, 1914.

Special reformatory and industrial schools for girls who by reason of immoral conduct, or because they have been in immoral surroundings, are unfitted for ordinary reformatory or industrial schools.

Reformatory Schools.

Church Army Home, Queen Elizabeth's Lodge, Old Southgate, N., for girls between the ages of fourteen and sixteen on admission.

Mount Vernon Green Reformatory School, Liverpool, for girls between the ages of twelve and sixteen on admission.

This is an ordinary reformatory, but the managers have made arrangements for the reception of girls of the special class in question in a separate building known as "The Willows."

Industrial Schools.

St. Mary's Home, Buxted, for girls under the age of ten on admission.

St. Monica's Home, 28 and 29, "The Waldrons," Croydon. for girls between the ages of ten and thirteen on admission.

St. Winifred's Home, Wolverhampton, for girls between the ages of twelve and fourteen on admission.

St. Ursula's Home, Amberley House, Teddington, for girls between the ages of twelve and fourteen on admission.

Princess Mary Village Homes, Addlestone, Weybridge, for girls under the age of fourteen on admission.

This is an ordinary industrial school, but the managers have made arrangements for the reception of girls of the special class in question in a separate building known as "Homelands."

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